



PROVINCE OF ONTARIO

The Department of Education Act

The Public Schools Act

The Schools Administration Act

**The Secondary Schools and
Boards of Education Act**

The Separate Schools Act

1971

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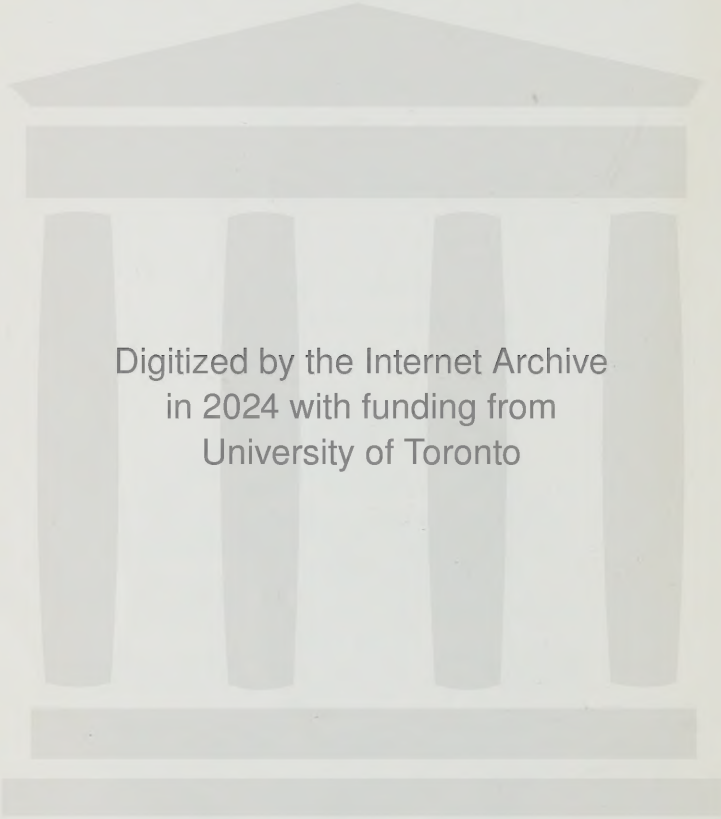


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The Department of Education Act

Revised Statutes of Ontario, 1970
CHAPTER 111

as amended by
1971, Chapter 89

1971

TORONTO

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PARTIAL LIST

of the Acts pertaining to the

ADMINISTRATION OF EDUCATION IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

See Regulation 191 (Reg. Reg. of Ont., 1970) for:
= Heads of Departments in Secondary Schools - Duties
= Supervisors in Elementary Schools - Appointment: Duties

THE DEPARTMENT OF EDUCATION ACT

R.S.O. 1970, Chapter 111

as amended by
1971, Chapter 89

1. In this Act,

- (a) "board" means public school board, separate school board, secondary school board or board of education;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "private school" means a school at which instruction is provided at any time between the hours of 9 a.m. and 4 p.m. on any day other than a school holiday for five or more pupils of compulsory school age, whether or not instruction is also provided for pupils of other ages, in any of the subjects of the elementary or secondary school courses of study, except a school operated by the Government of Ontario or by an elementary or secondary school board or a board of education;
- (e) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 111, s. 1.

Interpre-
tation

2.—(1) The department of the public service known as the Department of Education is continued.

Department
continued

(2) The Minister shall preside over and have charge of the Department. R.S.O. 1970, c. 111, s. 2.

Minister
to have
charge

3. The Minister is responsible for the administration of this Act and the regulations and of such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant Governor in Council. R.S.O. 1970, c. 111, s. 3.

Administra-
tion

4.—(1) The Minister shall, after the close of the calendar year, file with the Provincial Secretary an annual report upon the affairs of the Department.

Annual
report

(2) The Provincial Secretary shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. R.S.O. 1970, c. 111, s. 4.

Tabling

Credits for
attendance
in special
cases

5. The Minister may, in respect of a school, require to be included in the enrolment on any date the number of pupils,

- (a) who left school to enlist in the Canadian Armed Forces or to become employed in the production of food or other essential war materials, and whose absence from school was in accordance with the regulations; or
- (b) who were absent from school on days regarded as holy days by the church or religious denomination to which they belong; or
- (c) who were absent from school because of,
 - (i) a failure of transportation arrangements caused by inclement weather, or
 - (ii) the closing of one or more classrooms caused by inclement weather, fire, flood or the breakdown of the school heating plant, or a similar emergency,

which, in the opinion of the Minister, was unavoidable; or

- (d) who were absent from school when their regular classroom work was discontinued because of the holding of examinations that they were not required to write; or
- (e) who, under the terms of an arrangement approved by the Minister, were absent from a secondary school because of their early enrolment at a university or polytechnical institute in Ontario; or
- (f) who were absent from school because of the school holidays referred to in paragraphs 2, 3, 4 and 5 of section 4 of *The Schools Administration Act* except the holiday appointed by the Governor General as Thanksgiving Day. R.S.O. 1970, c. 111, s. 5; 1971, c. 89, s. 1.

R.S.O. 1970,
c. 424

Closing
of school
or class

6.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may order the closing of a school or any class thereof for a specified period. R.S.O. 1970, c. 111, s. 6 (1).

Pupils
deemed in
attendance

(2) Where a school or class is closed for a specified period under subsection 1, the pupils in such school or class shall for all purposes, including the calculation of general legislative grants and fees, be deemed to be in attendance. 1971, c. 89, s. 2.

Guarantee of
debentures

7.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to guarantee payment by the Province of any debentures issued by an elementary school board in Ontario or by a municipality in a territorial district for any school purpose for which the board or municipality is authorized to issue debentures.

(2) The form of the guarantee and the manner of its execution shall be determined by the Lieutenant Governor in Council, and every guarantee given or purporting to be given under this section is binding upon the Province and is not open to question upon any ground whatsoever. Form of guarantee

(3) Any debenture issued by a school board or municipality, payment of which is guaranteed by the Province under this section, is valid and binding upon the school board or municipality by which it is issued and the ratepayers thereof, according to its terms, and the validity of any debenture so guaranteed is not open to question upon any ground whatsoever. R.S.O. 1970, c. 111, s. 7. Validity of guaranteed debentures

8. Notwithstanding anything in any Act fixing the rate of interest to be paid or credited to any school board by the Treasurer of Ontario upon school securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario either as an investment by the Province or for investment on behalf of a school board, the rate at which interest shall be allowed to, paid by or credited to a school board upon any such securities, sinking funds or debentures heretofore or hereafter deposited with or purchased by the Treasurer of Ontario shall be the current rate of interest as fixed from time to time by the Lieutenant Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a provincial loan and then outstanding. R.S.O. 1970, c. 111, s. 8. Fixing rate of interest on debentures, etc., held by Treasurer

9.—(1) The Minister shall define the courses of study in the prescribed subjects of Grade 13. Courses of study, etc.

(2) The Minister may, Idem

- (a) recommend for the guidance of boards and teachers the program in kindergarten; kindergarten course
- (b) define the courses of study, recommend courses of study for the guidance of boards and teachers, or permit boards and teachers to define courses of study to be used with the Minister's approval, in the prescribed subjects for Grades 1 to 12 inclusive; Grades 1-12 courses
- (c) define courses of study and subjects to be taught in teachers' colleges and provincial technical and polytechnical institutes; courses for teachers' colleges, institutes
- (d) recommend reference books and library books for use by teachers and teachers-in-training; text and reference books
- (e) approve text-books for use in teachers' colleges and provincial technical and polytechnical institutes; idem
- (f) determine the number of terms and the dates upon school terms

which each term begins and ends in respect of teachers' colleges, provincial technical and polytechnical institutes, and schools for the deaf and blind.

Application
R.S.O. 1970,
c. 410

(3) An act of the Minister under this section is not a regulation within the meaning of *The Regulations Act*. R.S.O. 1970, c. 111, s. 9.

Powers of
Minister:
cost of
teachers-in-
training

10.—(1) The Minister may,

accept
equivalent
qualification

- (a) pay out of any appropriation for teachers' colleges or for summer and winter courses for the training and instruction of teachers the travelling and other expenses and such per diem allowance as he may fix for living expenses of students attending such schools whenever he considers such payment necessary or desirable;
- (b) accept in lieu of any requirement prescribed for a teacher, head of a department, director, supervisor or supervisory officer, or for a candidate for a certificate or for admission to a school, such evidence of experience, academic scholarship or professional training as he considers equivalent thereto;

temporary
certificate

- (c) grant a temporary or interim certificate of qualification as a teacher to a person who is a Canadian citizen or a landed immigrant and who is otherwise qualified;

letter of
permission

- (d) grant a letter of permission to a board authorizing the board to employ an unqualified person as a teacher if the Minister is satisfied that no qualified person is available, but a letter of permission shall be effective only for the period, not exceeding one year, that the Minister may specify therein;

suspend or
cancel

- (e) suspend or cancel any certificate or diploma granted under this Act or the regulations;

commission
of inquiry

- (f) appoint as a commission one or more persons, as he considers expedient, to inquire into and report upon any school matter, and may confer upon such commission all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*;

R.S.O. 1970,
c. 379

secure legal
opinion

- (g) submit a case on any question arising under *The Schools Administration Act*, *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act*, or this Act to a judge of the Supreme Court for his opinion and decision or, by leave of a judge of the Supreme Court, to the Court of Appeal for its opinion and decision;

R.S.O. 1970,
cc. 424, 385,
430, 425

determine
disputes and
complaints

- (h) determine all disputes and complaints laid before him, the settlement of which is not otherwise provided for by

law, and all appeals made to him from a decision of a principal, supervisory officer or other school officer;

- (i) apportion and pay all sums received for educational purposes from the Government of Canada or any source other than an appropriation by the Legislature, in accordance with the terms of the grant, if any, and otherwise in any manner he considers proper; apportion federal grants
- (j) require employees of school boards to submit to medical examinations; medical examinations
- (k) make use of any elementary or secondary school for the purposes of observation and practice teaching by teachers-in-training in any teachers' college or in a college of education established under section 17; practice teaching
- (l) provide for courses of training for supervisory officers. supervisory officers training

(2) Notwithstanding Part III of *The Schools Administration Act* or any other Act and notwithstanding anything in the contract between the board and the teacher, where a permanent or probationary teacher is employed by a board and a matter arises that in the opinion of the Minister adversely affects the welfare of the school in which the teacher is employed, Termination of contract where welfare of school involved R.S.O. 1970, c. 424

- (a) the board or the teacher may, with the consent of the Minister, give the other party thirty days written notice of termination, and the contract is terminated at the expiration of thirty days from the date the notice is given; or
- (b) the board may, with the consent of the Minister, give the teacher written notice of immediate termination together with one-tenth of the teacher's yearly salary in addition to the amount to which he would otherwise be entitled, and the contract thereupon is terminated. R.S.O. 1970, c. 111, s. 10.

11.—(1) The Minister has and shall be deemed always to have had authority to establish a board to act as agent for the Crown in right of Canada represented by the Department of Labour to select and employ civilian instructors as required by the Canadian Armed Forces for duties in schools or training centres operated by the Canadian Armed Forces under procedures authorized by such Department of Labour. Board to select teachers for schools operated by Canadian Armed Forces

(2) The Minister may enter into an agreement with the Crown in right of Canada represented by the Minister of Labour to provide a pension plan for such civilian instructors and other employees of the board, and, where the Minister of Labour agrees to pay the employer's share under any such pension plan, may contract with an insurer under *The Insurance Act* to provide such a pension plan. Pensions for civilian instructors, etc. R.S.O. 1970, c. 224

Regulations	12. —(1) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to schools or classes established under <i>The Public Schools Act, The Separate Schools Act, The Schools Administration Act, The Secondary Schools and Boards of Education Act</i> , or this Act, or any predecessor of any of such Acts, and with respect to all other schools supported in whole or in part by public money,
R.S.O. 1970, cc. 385, 430, 424, 425	
general	1. for the establishment, organization, administration and government thereof;
admit pupils	2. governing the admission of pupils;
evening classes	2a. defining and governing evening classes;
special education	3. governing the establishment, organization and administration of special education programs and services;
purchase books	4. requiring boards to purchase books for the use of pupils;
accommoda- tion and equipment	5. prescribing the accommodation and equipment of buildings and the arrangement of premises;
bursaries	6. for the establishment and awarding of bursaries and types, classes and subclasses thereof, prescribing the terms and conditions thereof and the persons eligible therefor, for fixing the value or maximum value of any bursary or type, class or subclass thereof, and for authorizing the Minister to determine, subject to the maximum value, the amount to be awarded to an applicant where a maximum value has been prescribed;
Student-Aid Loan Fund	7. for the establishment of the Provincial Student-Aid Loan Fund to be maintained by donations received for that purpose and by moneys appropriated by the Legislature for that purpose, for prescribing the terms and conditions of the loans and the persons eligible therefor, for defining the types, classes and subclasses of loans, for fixing the maximum loans and terms of repayment, for authorizing the Minister to determine the amount to be loaned to an applicant not exceeding the maximum provided in the regulations, and for providing the method of repayment of loans;
cadet corps	8. for the establishment and regulation of cadet corps;
certificates and letters of standing	9. governing the granting of permanent, temporary, interim, special and other certificates of qualification, and letters of standing;
collegiate institute	10. authorizing the Minister to designate a secondary school as a collegiate institute and to redesignate a collegiate institute as a secondary school, and prescribing the conditions under which he may do so;

11. prescribing the form of contract that shall be used for every contract entered into between a board and a permanent teacher or a probationary teacher or an itinerant teacher for the services of the teacher, and prescribing in the form of contract the terms and conditions of the contract; teacher's contract
12. governing the establishment and maintenance of public and secondary schools on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and providing for the payment of moneys to assist in the cost of establishment and maintenance of such schools; schools on Crown lands
13. governing the attendance at elementary and secondary schools of pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and governing the payment of the cost of education of such pupils; pupils on Crown lands
14. providing for assistance in the payment of the cost of education and transportation costs of elementary and secondary school pupils residing in the territorial districts or on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes; transportation of pupils on Crown lands
15. fixing the method of calculating the cost of education of elementary and secondary school pupils residing on lands held by the Crown in right of Canada or Ontario or an agency thereof, or on other lands that are exempt from taxation for school purposes, and authorizing boards, tuition fees on Crown lands
 - i. to charge those pupils a fee in accordance with that method, or
 - ii. instead of charging those pupils a fee, to enter into an agreement with the Crown, Crown agency or other owner of the lands for the payment of an amount in lieu of the fee;
16. providing for the establishment of supervising examination boards and for the appointment by the Minister of the members thereof, prescribing the duties thereof and the remuneration, including allowances for travelling and other expenses, to be paid to the members thereof; examination boards
17. governing the establishment and conduct of examinations and the settling of the results thereof, and prescribing the fees to be paid by candidates thereat; examinations

fees of examiners	18. prescribing the fees to be paid to presiding officers and examiners in connection with examinations and by whom and in what manner such fees and other expenses in connection with such examinations shall be borne and paid;
certificates	19. for granting diplomas and certificates of standing;
subjects of study	20. prescribing the subjects that shall be taught, and the subjects that may be taught, in Grades 1 to 13 inclusive;
language of instruction	21. prescribing the language or languages in which any subject or subjects shall be taught in any grade or grades in any schools or classes;
subjects for diploma	22. prescribing subjects leading to diplomas and certificates of standing;
exchange teachers	23. providing for and governing the exchange of teachers between Ontario and other parts of Canada and between Ontario and other jurisdictions;
school gardens	24. for the establishment and regulation of school gardens;
school libraries	25. for the establishment and regulation of school libraries;
medical and dental inspection	26. subject to the approval of the Minister of Health, for the medical and dental inspection of pupils in elementary schools where provision for such inspection was inaugurated by the boards of such schools before the 31st day of July, 1924, and in secondary schools where such provision was inaugurated by the boards of such schools before the 31st day of December, 1941;
practice teaching	27. respecting the use of schools for purposes of observation and practice teaching by teachers-in-training;
powers and duties of teachers, etc.	28. prescribing the powers, duties and qualifications, and governing the appointment of, teachers, supervisors, supervisory officers, heads of departments, principals, superintendents, bursars, matrons, directors, school attendance counsellors and other officials;
pupils	29. prescribing the duties of pupils;
qualification to teach, attend school, write exams	30. prescribing the qualifications and experience that will be recognized for the purpose of, <ol style="list-style-type: none"> i. qualifying persons to teach, ii. admitting persons to schools, and iii. permitting persons to write examinations;
schools for trainable retarded children	31. governing the operation of schools for trainable retarded children;
attendance counsellors	32. prescribing the powers and duties of boards with respect to the appointment and duties of school attendance

counsellors, and providing for the giving of notices and the making of returns in connection with school attendance;

33. prescribing forms and providing for their use; forms
34. governing the selection and approval of text-books, library books and reference books for use in Grades 1 to 13 inclusive; approve texts
35. governing the transportation of pupils to and from elementary and secondary schools and schools for trainable retarded children; transportation
36. providing for assistance in the payment of transportation costs of persons residing in the territorial districts who are attending universities or other institutions of higher learning; idem
37. establishing scholarships for residents of Ontario to enable them to pursue courses of study outside Ontario, and prescribing the terms and conditions under which they may be awarded and the courses of study that may be pursued; scholarships
38. respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. miscellaneous
R.S.O. 1970, c. 111, s. 12 (1); 1971, c. 89, s. 3 (1, 2).

(2) Every contract executed by a person under twenty-one years of age that provides for the repayment of a loan made to such person out of the Provincial Student-Aid Loan Fund is binding upon such person and enforceable against him in the same manner and to the same extent as if he were over twenty-one years of age at the time he executed the contract. Student-Aid Loan contracts

(3) Subject to the provisions of any statute in that behalf and to the approval of the Lieutenant Governor in Council, the Minister may make regulations, Regulations, grants

- (a) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for educational purposes;
- (b) prescribing the conditions governing the payment of legislative grants;
- (c) prescribing definitions of "approved cost" and "cost of operating" for the purpose of legislative grants to boards, and requiring that "approved cost" be subject to the approval of the Minister;
- (d) governing estimates that a board is required to prepare and adopt and expenditures that may be made by a board for any purpose. R.S.O. 1970, c. 111, s. 12 (2, 3).

Regulations,
community
programs,
etc.

(4) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations with respect to adult education, recreation, camping and physical education,

- (a) providing for programs therefor;
- (b) governing the granting of municipal recreation directors' interim and permanent certificates and arena managers' certificates;
- (c) authorizing,
 - (i) the council of a municipality, county or district or regional municipality to appoint a recreation committee with the approval of the Minister, or the councils of two or more municipalities having a combined population of under 25,000 to appoint a joint recreation committee with the approval of the Minister,
 - (ii) recreation committees or joint recreation committees to appoint directors, assistants and secretaries,
 - (iii) joint recreation committees or recreation committees in municipalities having a population of not less than 25,000, to appoint area recreation committees and area recreation directors,
 - (iv) two or more municipalities to enter into agreements,
 - (v) where territory without municipal organization is within the jurisdiction of one board, the board to appoint, with the approval of the Minister, one or more recreation committees for such territory without municipal organization, and
 - (vi) where territory without municipal organization is within the jurisdiction of two boards, such boards to appoint, with the approval of the Minister, a joint recreation committee for such territory without municipal organization as may be agreed upon by the two boards,

for the purpose of programs of recreation;

- (d) prescribing the composition of recreation committees, joint recreation committees and area recreation committees, and fixing the number or maximum number of members thereof, for the purpose of programs of recreation;
- (e) prescribing definitions of joint recreation program, joint recreation committee, municipal recreation program, municipal recreation services, municipal recreation director, assistant municipal recreation director, recreation program, recreation committee;
- (f) prescribing a definition of "approved maintenance and

operating costs” for the purpose of legislative grants for programs of recreation, and requiring that “approved maintenance and operating costs” be subject to the approval of the Minister;

- (g) providing for the apportionment and distribution of all moneys appropriated or raised by the Legislature for,
 - (i) programs of adult education, recreation, camping and physical education,
 - (ii) leadership training camps, and
 - (iii) the maintenance of historical, literary and scientific institutions;
- (h) prescribing the conditions governing the payment of grants for,
 - (i) programs of adult education,
 - (ii) programs of recreation, camping or physical education, and providing for the approval of the Minister in any condition, or
 - (iii) the maintenance of historical, literary and scientific institutions;
- (i) authorizing the Minister to determine the number of assistants and area community programs in respect of which grants may be paid for programs of recreation;
- (j) authorizing the payment, with the approval of the Minister, of special grants for programs of recreation, and fixing the amounts thereof. R.S.O. 1970, c. 111, s. 12 (4); 1971, c. 89, s. 3 (3, 4).

(5) In subsection 4,

- (a) “physical education” includes recreation for crippled persons under the age of nineteen years; and
- (b) “programs of recreation” include arena management. 1971, c. 89, s. 3 (5).

Interpretation

13.—(1) The Crown in right of Ontario, represented by the Minister, with the approval of the Lieutenant Governor in Council, may make agreements with the Crown in right of Canada represented by the Minister of Manpower and Immigration of Canada respecting technical and vocational training and represented by the Minister of National Health and Welfare of Canada respecting physical fitness.

Technical and vocational agreements, etc.

(2) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister charged with the administration of the *Indian Act* (Canada), for the admission of pupils, other than Indians as defined in that Act, to schools for Indians operated under that Act.

Pupils at Indian schools

R.S.C. 1952, c. 149

Bursaries
and
scholarships

(3) The Crown in right of Ontario, represented by the Minister, may make agreements with the Crown in right of Canada, represented by the Minister of Manpower and Immigration of Canada, respecting the establishment, awarding and payment of bursaries and scholarships to students eligible therefor under the regulations. R.S.O. 1970, c. 111, s. 13.

Establish-
ment of
technical
institutes

14.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, name, maintain, conduct and govern schools for technical training in one or more branches of industry.

Agreements

(2) For the purpose of subsection 1, the Minister may enter into an agreement with any organization representing one or more branches of industry.

Naming of
institutes

(3) A school providing instruction in one branch of industry shall be known as a provincial technical institute and in more than one branch of industry as a provincial polytechnical institute.

Conduct of
technical
institutes

(4) The Minister shall be assisted in the conduct of a provincial technical institute by an institute board and the institute board shall be assisted by an advisory committee.

polytechnical
institutes

(5) The Minister shall be assisted in the conduct of a provincial polytechnical institute by an institute board, and the institute board shall be assisted by an advisory committee for each branch of industry in which training is given at the institute.

Cost of
establish-
ment and
maintenance

(6) The cost of the establishment, maintenance and conduct of a provincial technical or polytechnical institute shall be payable out of moneys appropriated by the Legislature or received from Canada for the purposes of technical education, and out of moneys contributed by any organization that has entered into an agreement under subsection 2.

Regulations
for
institutes

(7) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to such institutes,

- (a) providing for the composition of institute boards and advisory committees, and for the appointment by the Minister of the members thereof;
- (b) prescribing the duties and powers of institute boards and advisory committees;
- (c) respecting the holding of meetings of institute boards and advisory committees, the manner in which the meetings are to be called and conducted and the procedure thereat;
- (d) for the election or appointment of chairmen and secretaries of institute boards or advisory committees, and prescribing their duties;

- (e) for the establishment, with the approval of the Minister, of full-time day courses of study, special and part-time day courses of study, and evening courses of study;
 - (f) requiring pupils to pay registration, tuition and laboratory fees and fixing the amount and manner of payment thereof;
 - (g) classifying persons who may be admitted from outside Ontario and prescribing the fees payable by members of each class and the manner of payment thereof;
 - (h) requiring pupils enrolled in a special or part-time day course of study or an evening course of study to pay tuition fees, and authorizing boards to fix the amount and manner of payment thereof.
- (8) The board of a provincial technical or polytechnical institute may accept in lieu of any diploma or other requirement prescribed for admission to a course of study at the institute, Alternative admission requirements
- (a) such evidence of academic standing or course of training as the principal and advisory committee consider equivalent thereto; or
 - (b) evidence, satisfactory to the principal and advisory committee, that the applicant for admission is competent to undertake the course of study. R.S.O. 1970, c. 111, s. 14.

15. Repealed: 1971, c. 89, s. 4.

16.—(1) The Ontario School for the Deaf for the education and instruction of the deaf and partially deaf is continued under the administration of the Minister. Continuation of School for Deaf;

(2) The Ontario School for the Blind for the education and instruction of the blind and partially blind is continued under the administration of the Minister. School for Blind

(3) Subject to the approval of the Lieutenant Governor in Council, the Minister may establish, maintain and operate one or more additional schools for the deaf or schools for the blind and shall designate the name of each school. Additional schools

(4) Without restricting the generality of section 12, the Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations with respect to the said schools, Regulations for School for the Deaf or Blind

- (a) prescribing the terms and conditions upon which pupils may,
 - (i) be admitted to, and remain in, a school, and
 - (ii) be discharged from a school;

- (b) authorizing the Minister to appoint a committee to hear and determine any question concerning the eligibility for admission of an applicant;
- (c) prescribing the fees, if any, that shall be paid in respect of pupils or any class or classes thereof;
- (d) authorizing the payment of part or all of the transportation costs of pupils whose parents or guardians reside in Ontario, and fixing the maximum amount that may be paid;
- (e) prescribing the manner in which pupils shall dress while attending a school;
- (f) authorizing a superintendent to specify the type and minimum amount of clothing that a parent or guardian shall provide for a pupil;
- (g) requiring a parent or guardian to deposit a sum of money with the bursar of a school for the purpose of defraying the personal incidental expenses of a pupil, and fixing the amount of the deposit;
- (h) authorizing a superintendent to dismiss a pupil at any time for,
 - (i) misconduct or failure to make satisfactory progress in a school, or
 - (ii) serious or continued ill-health as certified by the duly qualified medical practitioner of the school;
- (i) authorizing the Minister to provide training for teachers in courses leading to a Certificate as Teacher of the Deaf or a Certificate as Teacher of the Blind.

Expenses

(5) The cost of the establishment, maintenance and conduct of the said schools shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 16.

College of
education

17.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may,

- (a) establish, maintain and conduct colleges of education for the professional training and instruction of teachers; or
- (b) enter into an agreement with a university providing for the establishment, maintenance and conduct of such college of education by the university, upon such terms and conditions as the Minister and the university may agree upon,

and may enter into arrangements for the use of any elementary or secondary school for practice teaching purposes or for the services of teachers in any secondary school as lecturers or instructors in the college.

(2) The cost of the establishment, maintenance and conduct of a college of education shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 17. Expenses

18.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may, Teachers' colleges, etc.

(a) establish, maintain and conduct teachers' colleges and summer and winter courses for the training and instruction of teachers; and

(b) enter into an agreement with any university or college providing for the establishment, maintenance and conduct of a teachers' college by the university or college, upon such terms and conditions as the Minister and the university or college may agree upon.

(2) The cost of the establishment, maintenance and conduct of teachers' colleges and summer and winter courses shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 18. Expenses

19.—(1) The Minister may establish, maintain and conduct camps for leadership training. Leadership training camps

(2) The cost of the establishment, maintenance and conduct of leadership training camps shall be payable out of moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 111, s. 19. Expenses

20.—(1) No private school shall be operated in Ontario unless it is registered in accordance with this section. Registration of private schools

(2) Every private school shall be registered with the Department on or before the 1st day of September in each year. Time for registration

(3) Application for registration shall be in such form and with such particulars as the Minister may require. Application

(4) Where a private school is operated in contravention of subsection 1, Offence to operate private school without registration

(a) all persons concerned in the management of such school are severally guilty of an offence and on summary conviction are liable; or

(b) where the school is operated by a corporation, the corporation is guilty of an offence and on summary conviction is liable,

to a fine of not more than \$25 for every day such school is operated in contravention of subsection 1.

(5) The principal, headmaster or person in charge of a private school shall make a return to the Department furnishing such statistical information regarding enrolment, staff, courses of Return

study and other information as and when required by the Minister, and any such person who fails to make such return within sixty days of the request of the Minister is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Inspection
of school

(6) The Minister may direct one or more supervisory officers to inspect a private school, in which case each such supervising officer may enter the school at all reasonable hours and conduct an inspection of the school and any records or documents relating thereto, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$200.

Inspection
on request

(7) The Minister may, on the request of any person operating a private school, provide for inspection of the school in respect of the qualifications of the teachers and the standard of instruction in the subjects of grades 11 and 12 of the course or courses leading to the secondary school graduation diploma and may determine and levy a fee for this service.

Offence
for false
statement

(8) Every person who knowingly makes a false statement in an application for registration or an information return under this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$200. R.S.O. 1970, c. 111, s. 20.

Variation
of scholar-
ships and
awards
R.S.O. 1970,
c. 166

21.—(1) Where the educational object of a gift or bequest accepted by the Treasurer of Ontario under section 15 of *The Financial Administration Act* is the establishment of a scholarship or an award that is available to one or more students in an elementary or a secondary school or a teacher training institution and,

- (a) the selection of the recipient of the scholarship or award is based upon an examination which is no longer given;
- (b) the school or teachers' college at which attendance is required for eligibility is no longer operated;
- (c) reference to a county or a board in the terms and conditions of the gift or bequest is no longer appropriate by reason of the establishment of a regional municipality or a divisional board of education; or
- (d) the course or program of instruction specified in the terms and conditions is no longer available, or is no longer available at the school or teachers' college,

the Lieutenant Governor in Council on the recommendation of the Minister may, from time to time, vary the terms and conditions of the gift or bequest in respect of the qualifications for eligibility for the scholarship or award so as to ensure that such scholarship or award will be granted or given under such terms

and conditions as in the opinion of the Minister most nearly approximate those of the original gift or bequest, and the Minister may delegate his powers under the original terms and conditions of such gift or bequest to a representative of the board, or the educational institution, granting the scholarship or making the award, pursuant to any variation in the terms and conditions of the gift or bequest made under this section.

(2) In the case of an award in the form of a repayable loan for which no person has made application for seven consecutive years, the Lieutenant Governor in Council, on the recommendation of the Minister and with the written consent of the person making the gift or the trustee of the person making the bequest, may capitalize the fund and any interest accrued thereon held by the Treasurer of Ontario, and may change the educational object of the gift or bequest to another object of an educational nature, in which case the provisions of subsection 1 shall apply *mutatis mutandis*. 1971, c. 89, s. 5.

Where award
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The Public Schools Act

Revised Statutes of Ontario, 1970

CHAPTER 385

as amended by

1971, Chapters 69 and 98, s. 4, Sched., par. 27

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PARTIAL LIST

of the Acts pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

THE PUBLIC SCHOOLS ACT

R.S.O. 1970, CHAPTER 385

as amended by

1971, Chapters 69 and 98, s. 4, Sched., par. 27

1. In this Act,

Interpre-
tation

- (a) “board” means a public school board;
- (b) “elector” in a municipality means a person entered on the last revised voters’ list as qualified to vote at municipal elections and who is not a supporter of a separate school, and in a school section in territory without municipal organization means a person who is entered on the last revised assessment roll for the school section as a public school supporter, and who is not disqualified under this Act, and who is not a supporter of a separate school;
- (c) “ratepayer” means a person entered on the last revised assessment roll as a public school supporter for the school section or municipality. R.S.O. 1970, c. 385, s. 1.

2. Nothing in this Act authorizing the levying or collecting of rates on taxable property for public school purposes applies to the supporters of Roman Catholic separate schools, except that all taxable property continues to be liable to taxation for the purpose of paying any liability incurred for public school purposes while the property was subject to taxation for such purposes. R.S.O. 1970, c. 385, s. 2.

Exemption
of sup-
porters of
Roman
Catholic
separate
schools

3. Until altered under the authority of this Act, all public school sections continue as they now exist, and all trustees duly elected and all officers duly appointed continue in office, and all agreements, contracts, assessments and ratebills heretofore duly made in relation to public schools and existing when this Act takes effect continue subject to the provisions of this Act. R.S.O. 1970, c. 385, s. 3.

Existing
school
arrange-
ments con-
tinued

4.—(1) Subject to section 5, a person who has attained the age of five years on or before the 31st day of December in any year has the right to attend, after the 1st day of September of the following year, a public school in the school section in which he and his parent or guardian reside or a public school in another section for which the board has made provision under section 5 unless,

Right
to attend
public
school

- (a) his parent or guardian is a separate school supporter; or
- (b) he is unable by reason of mental or physical defect to profit by instruction; or
- (c) he has been promoted to a grade beyond the grade required to be operated in the public school; or
- (d) he has attained the age of twenty-one years.

Determina-
tion as to
whether or
not person
can profit
by
instruction

(2) Where a question arises as to whether or not a person can profit by instruction in a public school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence as
to right to
attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the school, including proof of age.

Kinder-
garten

(4) Where a board operates a kindergarten in a school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kindergarten

(5) Where the board operates a junior kindergarten in a school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

Kinder-
garten fees
R.S.O. 1970,
c. 424

(6) The board may charge a fee, as provided in section 72 of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1.

Beginners
class

(7) The board may provide a class or classes for children to enter school for the first time in the second or third term of any school year on and after a date approved by the board, in which case a child whose birthday is on or after the 1st day of January and before the 1st day of July and who is eligible to be admitted to public school or kindergarten, as the case may be, the following September has the right to attend such a class. R.S.O. 1970, c. 385, s. 4.

Resident
pupil,
admission
to school

5.—(1) Subject to section 4, where a child and his parent or guardian reside in a school section in a residence that is assessed to the support of public schools or in a trailer for which fees are paid for the support of public schools, the child shall be admitted to a public school by the board of that section without the payment of a fee.

Admission
where public
school
supporter
moves into
residence
assessed to
separate
school
support

(2) Subject to section 4, where a child whose parent or guardian is not a separate school supporter moves with his parent or guardian into a residence that is assessed for separate school purposes, and the date upon which the assessment for the current year may be changed to the support of public schools has passed,

upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a public school by the board of the section without the payment of a fee.

(3) Subject to section 4, a child,

- (a) who resides with his parent or guardian in a residence that is assessed to the support of public schools; and
- (b) who may be excused from attendance at the school because of distance, as provided in *The Schools Administration Act* and as certified by the appropriate supervisory officer,

Admission of resident pupil to another school by reason of distance to school
R.S.O. 1970, c. 424

may be admitted to another public school if the appropriate supervisory officer certifies that there is sufficient accommodation for him, upon the prepayment monthly by the parent or guardian of a fee as provided in section 72 of *The Schools Administration Act*, and the board of the section in which he resides shall refund to the parent or guardian the amount of taxes paid by him in the current year for the support of public schools up to but not exceeding the amount of fees paid for the current year.

(4) Subject to section 4, where a child resides with his parent or guardian in a residence that is assessed to the support of public schools and the public school that he is required to attend is more than two miles from his residence by the shortest distance by road and a public school in an adjoining school section is nearer by the shortest distance by road and the supervisory officer having jurisdiction in such adjoining school section certifies that there is sufficient accommodation for such child, unless transportation is provided to the school that he is required to attend from a point within one-half mile by the shortest distance by road from his residence, the child shall be admitted to the school in the adjoining school section and the board of the school section in which he resides shall pay to the board in the adjoining school section a fee calculated in accordance with section 72 of *The Schools Administration Act*.

Resident pupil's right to attend more accessible school in adjoining school section

(5) Where a parent or guardian who resides in a school section wishes to enrol his child in a public school in another school section and does not qualify for the privilege under subsection 3, 4 or 10, the child may be admitted by the board upon the prepayment monthly by the parent or guardian of a fee as provided in section 72 of *The Schools Administration Act*.

Admission of non-resident pupils

(6) Subject to section 4, a child whose mother,

- (a) resides in Ontario;
- (b) is the sole supporter of the child;
- (c) is not assessed as a supporter of a public or separate school in any school section; and

Admission of child whose mother is sole supporter, etc.

R.S.O. 1970,
c. 65

- (d) boards her child in a residence that is assessed to the support of public schools and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,

shall be admitted to a public school in the section in which he resides without the payment of a fee. R.S.O. 1970, c. 385, s. 5 (1-6).

Admission of
ward, etc.,
of children's
aid society

- (7) A child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a public school operated by the board of the school section in which the child resides. 1971, c. 69, s. 1 (1).

NOTE: Subsection 7 as set out above, comes into force on the first day of January, 1972. See 1971, c. 69, s. 1 (1), 8 (2).

- (8) REPEALED: 1971, c. 69, s. 1 (2).

NOTE: Subsection 8 repealed, as of the first day of January, 1972. See 1971, c. 69, s. 1 (2).

Idem

- (9) Where a child who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides in a school section and the appropriate supervisory officer certifies that there is sufficient accommodation in a school in that section for the current school year, the board of such section shall admit the child to such school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 72 of *The Schools Administration Act*. R.S.O. 1970, c. 385, s. 5 (9).

R.S.O. 1970,
c. 424

Admission
of non-
resident
pupil, where
parent
assessed
in section

- (10) Where a parent or guardian wishes to enrol his child in a public school in a school section, other than the one in which he resides, and he is assessed for public school purposes in that school section,

- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act*, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for public school purposes in that school section, by the average daily enrolment of pupils resident in that school section in such year, the child shall be admitted to a public school operated by the board of that school section without the payment of a fee.

R.S.O. 1970,
c. 32

NOTE: Subsection 10 as set out above, comes into force on the first day of January, 1972. See 1971, c. 69, s. 1 (3), 8 (2).

Resident on
land exempt
from
taxation

- (11) A child who is otherwise qualified to attend a public school and who resides on land that is exempt from taxation for

school purposes shall be admitted to a public school that is accessible to him where the appropriate supervisory officer has certified that there is sufficient accommodation for the child in the school for the current year, and fees as determined under section 72 of *The Schools Administration Act*, except where the regulations provide otherwise in respect of such fees, shall be prepaid monthly by the child or by his parent or guardian. 1971, c. 69, s. 1 (3).

R.S.O. 1970,
c. 424

NOTE: Subsection 11 as set out above, comes into force on the first day of January, 1972. See 1971, c. 69, s. 1 (3), 8 (2).

(12) A public school board may by agreement with another public school board furnish education for the pupils of the other board and for that purpose may charge fees calculated in accordance with section 72 of *The Schools Administration Act*.

Agreement
between
boards

(13) A public school board and a separate school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the separate school board for pupils of the public school board in a course or courses that are not available in a school under the jurisdiction of the public school board or that are considered by the public school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

Agreements
for education
of public
school pupils
in separate
school

- (a) the appropriate supervisory officer of the separate school board certifies that accommodation is available in such school for such pupils; and
- (b) the public school board pays a fee for each such pupil calculated in accordance with section 72 of *The Schools Administration Act*.

(14) Notwithstanding the other provisions of this section, where it appears to a board that a child who resides in the school section is denied the right to attend school without the payment of a fee, the board may admit the child from year to year without the payment of a fee.

Admission
without fee

(15) Where a resident pupil of a school division attends a public school in another school division under section 43 of *The Secondary Schools and Boards of Education Act*, the divisional board of which he is a resident pupil shall pay fees to the divisional board that operates the public school attended by the pupil, calculated in accordance with section 72 of *The Schools Administration Act*. R.S.O. 1970, c. 385, s. 5 (12-15).

Non-
resident
fees
R.S.O. 1970,
cc. 425, 424

6.—(1) Subject to the approval of the Minister, a board may enter into an agreement with another board providing,

- (a) for the construction, furnishing and equipping of one or more additional classrooms by one board to provide accommodation for pupils of the other board;

Agreement
for pro-
vision of
additional
accommoda-
tion by
board for
pupils of
another
board

- (b) that the cost of providing such additional accommodation shall be borne and paid by such other board; and
- (c) notwithstanding section 72 of *The Schools Administration Act*, for the calculation and payment of fees in respect of such pupils.
- R.S.O. 1970, c. 424
- Debentures where cost borne by board not providing accommodation
- (2) Where under an agreement the board that does not provide the additional accommodation is required to bear and pay the cost thereof, for the purposes of issuing municipal debentures, the additional accommodation shall be deemed to be a permanent improvement of such board.
- Term of agreement
- (3) Every such agreement shall remain in effect for at least the term of the debentures issued in respect thereof unless terminated by the mutual consent of the parties to the agreement. R.S.O. 1970, c. 385, s. 6.
- Religious exercises
- 7.**—(1) No pupil in a public school shall be required to read or study in or from a religious book, or to join in an exercise of devotion or religion, objected to by his parent or guardian.
- Religious instruction
- (2) Subject to the regulations, pupils shall be allowed to receive such religious instruction as their parents or guardians desire. R.S.O. 1970, c. 385, s. 7.
- Public school visitors
- 8.**—(1) Judges, members of the Assembly, and members of municipal councils, are school visitors in the municipalities where they respectively reside, and every clergyman is a school visitor in the municipality where he has pastoral charge.
- Powers of school visitors
- (2) School visitors may visit public schools, may attend any school exercises, and at the time of a visit may examine the progress of the pupils and the state and management of the schools, and give such advice to the teachers and pupils and any others present, as they consider expedient. R.S.O. 1970, c. 385, s. 8.
- School lands granted before 1850 vested in trustees for school purposes
- 9.**—(1) All lands that before the 24th day of July, 1850, were granted, devised or otherwise conveyed to any person or persons in trust for common school purposes and held by such person or persons and their heirs or other successors in the trust, and have been heretofore vested in the public school trustees of the school section or municipality in which the lands are respectively situate, continue to be vested in such trustees, and continue to be held by them and their successors upon the like trusts and subject to the same conditions and for the estates upon or subject to or for which the lands are now respectively held.
- Disposal of school lands by boards
- (2) Notwithstanding subsection 1, lands originally granted or conveyed by the Crown for common school purposes and held by the trustees of a school section or municipality may be leased, sold

or otherwise disposed of with the approval of the Lieutenant Governor in Council and upon such conditions as to the investment or application of the proceeds or otherwise as may be prescribed in the order granting the approval. R.S.O. 1970, c. 385, s. 9.

10.—(1) Where land, the use of which is restricted in any manner to school purposes, has been vested in a rural school board for at least fifty years, the board may apply to the Supreme Court to remove the restriction, and the Supreme Court may make such order on the application as it considers just.

Application
for removal
of restric-
tions on
use of land

(2) Where restrictions are removed from land under subsection 1 and the board offers the land for sale, it shall first offer the land at a reasonable price to the owner or owners of land abutting on the land offered for sale. R.S.O. 1970, c. 385, s. 10.

Sale of
lands

11.—(1) Where the land of any person is situate within the limits of two or more school sections, the parts so situate shall be assessed upon the assessment roll separately according to the divisions of the school sections within the limits of which the parts are situate.

Assessment
of land
in each
school
section

(2) All parts of a school section, except those parts of a township school area or district school area that are in territory without municipal organization, shall be adjoining. R.S.O. 1970, c. 385, s. 11.

Parts of
section to be
adjoining

12.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a public school on lands held by the Crown in right of Canada or Ontario, or on any lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a rural school section, and may appoint as members of the board such persons as he considers proper.

Public school
on Crown
lands

(2) The board so appointed is a body corporate by the name indicated in the order establishing the rural school section and has all the authority of a board of public school trustees for the purposes of this Act.

Powers of
board

(3) No rural school section established under this section shall be included in a township school area or a school division. R.S.O. 1970, c. 385, s. 12.

Section
not to be
included in
t. s. a. or
school division

13.—(1) A person is qualified to be elected as a public school trustee who,

Qualifica-
tions of
public
school
trustees

- (a) is a Canadian citizen;
- (b) is of the full age of eighteen years;
- (c) is a resident in or within one mile of the school section;
and

- (d) is a ratepayer in the school section. R.S.O. 1970, c. 385, s. 13 (1); 1971, c. 98, s. 4, Sched., par. 27.

Disquali-
fications

(2) A person is not qualified to be elected as a public school trustee,

- (a) who is,
- (i) a member of any other elementary or secondary school board, or
 - (ii) a member of the council of a municipality or county in which all or part of the school section is situate, or
 - (iii) an elected member of a local board of a municipality or county in which all or part of the school section is situate,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be;

- (b) who is the clerk or treasurer of a municipality or county in which all or part of the school section is situate;
- (c) who is the husband or wife of a trustee of the same board;
- (d) who is otherwise disqualified under this or any other Act; or
- (e) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental therefor is not overdue and unpaid at the time of the opening of the nomination meeting.

Qualifica-
tion to act
as trustee

(3) A person is qualified to act as a public school trustee during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.

Persons
deemed
ratepayers

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1:

- (a) the husband or wife of a person assessed in a municipality as actual owner or tenant of land in the school section for an amount sufficient to entitle him or her to vote at municipal elections;

- (b) the son or daughter of a person assessed as the owner of a farm in the school section if he or she is resident on the farm with the assessed owner; and
- (c) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the school section if he or she resides on the farm with the assessed owner.

(5) For the purposes of subsection 4, "farm" means not fewer than twenty acres of land in the actual occupation of the owner thereof. R.S.O. 1970, c. 385, s. 13 (2-5). Interpretation

14. A board does not cease to exist by reason of the want of trustees. R.S.O. 1970, c. 385, s. 14. Board not to cease for want of trustees

15.—(1) Every urban municipality is an urban school section unless it forms part of a school division. Urban municipality to be urban school section

(2) Every board in an urban municipality is a corporation by the name of "The Public School Board", prefixing to the words "Public School Board" the name of the municipality for which the board is elected. Urban school board corporation

(3) Where an urban municipality becomes incorporated, the board having jurisdiction over the school property within the urban municipality before such incorporation shall, for the purposes of the public schools in the urban municipality, exercise all the powers and perform all the duties of a board of an urban municipality until a board is organized in such urban municipality. R.S.O. 1970, c. 385, s. 15. First election of trustees

16.—(1) Except as provided in section 17, the trustees of a school board of an urban municipality shall be elected by a general vote of the electors for a term of two years with one-half of the trustees retiring each year. Election of trustees in urban municipality not divided into wards, by general vote

(2) The number of trustees on the board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held as follows, where the population was, Number of trustees on board

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees.

(3) Where it becomes evident from the census of a municipality that the number of trustees on a school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office Change in number of trustees

shall continue in office until the new board is organized. R.S.O. 1970, c. 385, s. 16.

Urban
municipality
divided into
wards

17.—(1) A school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the electors of that ward.

Where five or
more wards

(2) A school board of an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the electors of each ward for a term of two years.

Change from
election by
wards to
general vote

(3) The composition and election of a school board of an urban municipality that is elected as provided in subsection 1 or 2 may be changed to that provided in section 16. R.S.O. 1970, c. 385, s. 17.

Method of
changing
composition
and
election
of board

18.—(1) The composition and election of a board of an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 17 to that provided in any other subsection in that section provided that,

- (a) a resolution for a change is supported by a majority of the trustees of the board and is approved by resolution by the council of the municipality before the 1st day of July in any year; or
- (b) where such a resolution for a change is not approved by the council before the 1st day of July, the board may require the council to submit the resolution to the electors at the next municipal election.

Where
change
involves
township
area
board or
board of
education

(2) Where a township area board is to be established to replace more than one public school board or where a board of education is to be established to replace a public school board or a board of education is to be dissolved and replaced by a public school board, the trustees required to support a resolution under clause *a* of subsection 1 shall be the elected trustees in the municipality and, where there is more than one public school board concerned, any such board may require council to submit a resolution to the electors under clause *b* of subsection 1.

Election
of new
board after
change

(3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

Limitations
on changing
method of
election

(4) A change in the method of election may not be made under this section unless,

- (a) the board has been elected in its present form for a period of four years; or
- (b) a board of education is being established or a public school board is being established following the dissolution of a board of education. R.S.O. 1970, c. 385, s. 18.

19.—(1) At the first election of the trustees of an urban school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

Determina-
tion of
retirement
of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the clerk of the municipality shall determine the order of retirement by lot.

(2) Every trustee of an urban school board shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 48 of *The Schools Administration Act*. R.S.O. 1970, c. 385, s. 19.

Trustee in
office until
organization
of new board
R.S.O. 1970,
c. 424

20. Every person is entitled to vote at the election of trustees and on public school matters in an urban school section whose name is entered on the last revised voters' list as being entitled to vote at municipal elections in the municipality or the part thereof included in the urban school section except persons who are assessed as supporters of separate schools and persons who are entered on such voters' list by reason of being the wife or husband of a person assessed as a supporter of separate schools. R.S.O. 1970, c. 385, s. 20.

Voters in
urban
school
section

21.—(1) The board of an urban municipality shall be elected by ballot, and the election shall be held at the same time and place and by the same returning officer or officers and conducted in the same manner as the municipal nominations and elections of aldermen or councillors, and the provisions of *The Municipal Act* respecting the time and manner of holding the election, including the mode of receiving nominations for office and the resignation of persons nominated, *mutatis mutandis* apply to the election.

Election by
ballot

R.S.O. 1970,
c. 284

(2) A separate set of ballot papers shall be prepared by the clerk of the municipality for each of the wards or polling subdivisions, containing the names of the candidates in the same form *mutatis mutandis* as those used for aldermen or councillors,

Ballots

and a ballot shall be delivered only to a person who is a supporter of the public schools under the jurisdiction of the board to which the candidate is seeking election.

Idem (3) In no case shall a ballot be delivered to any person who is entered on the list of voters as a separate school supporter or by reason of being the wife or husband of a separate school supporter. R.S.O. 1970, c. 385, s. 21.

Vacancies
in urban and
township
area boards

22.—(1) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Idem (2) Subject to subsection 3, where a vacancy occurs from any cause in an urban school board or a township school area board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in case of a tie the clerk of the municipality shall determine the order of retirement by lot.

Idem (3) In the case of an urban school board or a township school area board,

- (a) any vacancy that occurs within one month of the time for the next ensuing election shall not be filled in the manner provided by subsection 1 or 2, but the office shall remain vacant until the election, and if the term of the vacant office then expires a new trustee shall be elected, or if the term does not then expire some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 1 or 2, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;

- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the clerk of the municipality shall determine the order of retirement by lot.

(4) Where the appropriate supervisory officer reports that no persons duly qualified are available or that the electors have failed to elect trustees, the Minister may appoint as members of the board such persons as he considers proper, and the persons so appointed have all the authority of a board as though they were eligible and duly elected according to this Act. R.S.O. 1970, c. 385, s. 22.

Appointment of trustees on failure of qualified persons

23.—(1) Every complaint respecting the validity or mode of conducting the election of a trustee or the return made by a returning officer in an urban municipality or in a township for which a township school area board has been established shall be made to the judge of the county or district court within twenty days after the election, and he shall, within a reasonable time, in a summary manner hear and determine the complaint, and may cause the assessment rolls, collector's rolls, poll books and other records of the election to be brought before him, and may inquire into the facts by oral testimony or upon affidavit, and may cause such persons as he considers expedient to appear before him and give evidence.

Controverted elections, investigation of complaints by judge

(2) The judge may confirm the election or set it aside, or declare that some other candidate was duly elected, or may order a new election, and may order the person found by him not to have been elected to be removed, and if the judge determines that any other person was duly elected he may order such person to be admitted, and, where a recount results in two or more candidates having an equal number of votes, the judge shall certify the result to the secretary of the board, and he shall in all cases report his decision to the secretary of the board.

Powers of judge

(3) Section 143 of *The Municipal Act* applies *mutatis mutandis* to every election of trustees in an urban municipality or in a township for which a township school area board has been established and to any proceeding relating to such election.

Application of R.S.O. 1970, c. 284, s. 143

(4) If, upon the casting up of the votes, two or more candidates have an equal number of votes where both or all of such candidates cannot be elected, the clerk of the municipality shall publicly declare the result and put up in a conspicuous place a statement under his hand showing the number of votes for each candidate, and shall forthwith notify the judge of the county or district court of the result, and such notification shall be deemed to be a complaint under subsection 1.

Where recount necessary because of tie vote

(5) Upon the result of a recount being certified to him showing that two or more candidates have an equal number of votes, the

When secretary to give casting vote

secretary shall forthwith after receiving the certificate give a casting vote for one or more of the candidates or provide for the drawing of lots to decide the election.

Where sufficient number of candidates not declared elected to organize newly-created board

(6) Where a secretary has not been appointed because a new board has been created but cannot be organized because of an equality of votes of two or more candidates, the clerk of the municipality or, where there is more than one municipality in the school section, the clerk of the municipality having the greatest assessment shall be deemed to be the secretary for the purposes of subsections 2 and 5. R.S.O. 1970, c. 385, s. 23.

Bribery and undue influence
R.S.O. 1970, c. 284

24. The provisions of *The Municipal Act* as to bribery and undue influence apply to the election of trustees, and, in every case in which an election is complained of on those grounds, the inquiry in reference thereto shall be by oral testimony only. R.S.O. 1970, c. 385, s. 24.

Improvement district in township school area

25.—(1) Where an improvement district that does not elect public school trustees is included in a township school area that includes one or more other municipalities or a part or parts thereof, it shall, subject to subsection 2, for the purposes of the election of trustees and of voting on school matters and for determining representation on the board of the township school area, be attached to the municipality, all or part of which is included in the area, with which it has the greatest common boundary, and the secretary-treasurer of the improvement district shall, before an election for such trustees is to be held in any year, prepare and send to the clerk of such municipality a list, signed by him and attested by his declaration, of all persons appearing by the then last revised assessment roll to be entitled to vote on public school matters in the improvement district.

Idem

(2) Where the improvement district has the same length of boundary with two or more municipalities or has no common boundary with a municipality, it shall, for the purposes of subsection 1, be attached to the municipality having the greatest assessment for public school purposes. R.S.O. 1970, c. 385, s. 25.

Township school areas

26.—(1) Subject to subsections 2, 3 and 4, every township that does not form part of a school division is a township school area.

Alteration of areas

(2) The council of a township that forms all or part of a township school area may, by a by-law passed before the 1st day of July in any year,

(a) add all or part of a school section in territory without municipal organization to the township school area; or

- (b) detach any portion of the township school area and attach such portion to another township school area,

if consent thereto has been given by a resolution passed within ninety days of the passing of the by-law, in the case of a school section in territory without municipal organization by the board of the school section and in other cases by the councils of the other municipalities concerned.

(3) A by-law passed under subsection 2 comes into force on the 1st day of January after it is approved by the Minister, except that for the purposes of the election of trustees, it shall be effective on the day it is approved by the Minister.

Effective date of by-law

(4) Where,

- (a) a part of a township school area becomes incorporated as a municipality, the municipality so incorporated shall continue to form part of the township school area; or
- (b) parts of two or more township school areas become incorporated as a municipality, the municipality so incorporated shall form part of the township school area that surrounds it or with which it has the greatest length of common boundary.

Newly incorporated municipalities

(5) All rights and claims arising under this section shall be adjusted as provided in section 30.

Adjustment of claims

(6) Where a township school area includes part or all of two or more municipalities, the sums required by the board shall be apportioned among such municipalities or parts in the same manner as such sums are apportioned in a school division under subsection 4 of section 32 of *The Secondary Schools and Boards of Education Act*. 1971, c. 69, s. 2.

Apportionment of costs where more than one municipality in area
R.S.O. 1970, c. 425

27.—(1) There shall be a board of five public school trustees for every township school area.

Board of township school area

(2) Where a township school area includes only the whole of one township that is divided into wards, the composition and election of the board may be that provided for a school board of an urban municipality that is divided into wards, provided that any change in the composition and election of the board shall be made in the manner provided in section 18, which section applies *mutatis mutandis*.

Where township divided into wards

(3) The election of trustees for a township school area under subsection 1 shall be by ballot in accordance with section 21.

Election by ballot

(4) Where a township school area includes only the whole of one township and part or parts of one or more other townships such part or parts shall, for the purposes of the election of trustees and of voting on school matters, be attached,

Where part of another township attached for voting purposes

- (a) to the township the whole of which is included in the township school area; or
- (b) where the election is by wards, to the ward of the township the whole of which is included in the township school area with which it has the greatest common boundary,

and the clerk of the township in which such part is situate shall furnish annually to the clerk of the township to which such part is attached a certified copy of the list of voters qualified to vote on public school matters in that part of the township.

Term of
office

(5) Of the trustees elected at the first election, the three trustees receiving respectively the highest, second highest and third highest number of votes shall hold office for two years, and the two remaining trustees shall hold office for one year.

Subsequent
elections

(6) After the first election, an election shall be held in each year to fill the places of trustees whose terms of office have expired, and the trustees elected shall hold office for two years.

Equality of
votes at
first election

(7) In case, at the first election of trustees, two or more trustees receive an equal number of votes, or all the trustees are declared elected by acclamation, the clerk of the municipality shall determine which of such trustees shall hold office for two years, and the clerk shall notify the board in writing of his determination, which shall be entered in the minutes of the board. R.S.O. 1970, c. 385, s. 27.

Term of
office of
trustees

28.—(1) The trustees of every township school area shall hold office until their successors are elected and a new board is organized.

Township
school area
urban section

(2) Every township school area is an urban school section.

Corporate
name

(3) Every board of trustees of a township school area that does not include an urban municipality is a corporation by the name of "The Public School Board of the Township School Area of (*insert name of municipality, or, where more than one municipality is included in the area, insert name selected by the board and approved by the Minister*)".

Vesting of
real and
personal
property in
board of
township
school area

(4) Upon the election and organization of a board of public school trustees for a township school area, the board of public school trustees for every school section then in existence in the township school area is dissolved, and all the real and personal property vested in the board of any such school section is vested in and becomes the property of the board of the township school area.

Board
responsible
for obliga-
tions of
each school
in township
school area

(5) The board of the township school area is responsible for and shall discharge all liabilities and obligations of each of the school sections included in the township school area, and the indebted-

ness of the board of any school section shall be provided for by a general rate levied upon all property liable to taxation for public school purposes in the township school area.

(6) All the powers and duties of the board of a school section that becomes part of a township school area are vested in and imposed upon the board of the township school area. R.S.O. 1970, c. 385, s. 28. Powers and duties

29.—(1) The appropriate supervisory officer may, before the 1st day of July in any year, with the approval of the Minister and the consent of the boards concerned, form into a township school area, Township school areas in unorganized territory

- (a) two or more school sections or parts thereof in territory without municipal organization; or
- (b) one or more school sections or parts thereof in territory without municipal organization and one or more improvement districts, with the consent of the board of each improvement district concerned,

and may include any other part of territory without municipal organization therein or decrease or increase the area thereof.

(2) The formation of the township school area shall take effect as from the 1st day of January next following the approval of the Minister, but the boards of trustees of the rural school sections shall continue in office until a board for the township school area has been elected and organized as provided by this section. Effective date

(3) There shall be a board of five public school trustees for every such township school area and the board may exercise such powers and perform such duties with respect to the public schools of the area as a board constituted under section 26. Constitution of board

(4) The first meeting of the ratepayers for the election of trustees shall be held at a time and place to be named by the appropriate supervisory officer, and shall be conducted as nearly as may be in the same manner as the election of trustees in a rural school section. First election

(5) All subsequent elections of school trustees for the township school area shall be by ballot, and the board of trustees of the area shall exercise all the powers and may perform all duties of a municipal council in relation to the nomination and election of trustees and the collection of taxes for the township school area. Subsequent elections; powers and duties

(6) Every board of trustees of a township school area formed under this section is a corporation by the name of "The Public School Board of the Township School Area of" (*inserting the name selected by the appropriate supervisory officer and approved by the Minister*). Incorporation

Application
of ss. 26, 28,
31-42

(7) For the purposes of township school areas formed under this section, and except as to matters provided for in this section, sections 26, 28 and 31 to 42 apply *mutatis mutandis*. R.S.O. 1970, c. 385, s. 29.

Adjustment
of claims

30.—(1) All rights and claims between parts of a municipality or municipalities comprising the several school sections united into a township school area or added to or detached from a township school area shall be valued, adjusted and determined in an equitable manner by a referee to be appointed by the Minister after his approval of the by-law or by-laws establishing, altering or dissolving the township school area.

Powers of
Minister
and referee

(2) The Minister and any referee appointed by him have and may exercise such jurisdiction and powers as may be necessary for the purpose of the valuation, adjustment and determination of all or any of such rights and claims.

Referee,
hearing by,
report and
remunera-
tion

(3) A referee appointed under this section shall proceed to hear and report to the Minister upon such rights and claims as the Minister may from time to time direct, and he shall submit his report to the Minister within three months of his appointment or within such further time as the Minister may allow, and he shall be paid for his services such fee as the Minister may direct.

Considera-
tion of
report by
Minister

(4) Upon the report of the referee being filed with him, the Minister shall consider the report and may hear such representations in respect thereof as he may see fit, and before adopting the report he may refer it back to the referee for his further consideration.

Decision of
Minister

(5) The Minister may adopt, vary or amend the report and, subject to subsection 6, his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Supple-
mentary
report

(6) Where the auditor's annual report for the year in which the by-law establishing, altering or dissolving the township school area was passed reveals a condition that was not evident when the referee made his report, the referee may submit a supplementary report in the manner provided for the original report, and the Minister may adopt, vary or amend the supplementary report, and his decision is final and not open to question or appeal and is binding upon each municipality and the ratepayers of each municipality and of any school section affected thereby.

Special
rates for
adjusting
claims

(7) The council of each municipality, all or a portion of which is included in a township school area, shall annually impose and levy such special rates against the rateable property in the municipality, that is within the township school area, as may be directed by

the Minister for the purpose of adjusting any rights and claims determined under this section.

(8) For the purpose of evaluating, adjusting and determining all rights and claims between school sections within township school areas formed under section 29, subsections 1 to 7 apply *mutatis mutandis*.

Adjustment
of claims
in certain
areas

(9) Where there is a debenture debt for public school purposes in a school section when the boundaries of the school section are altered, and property taxable for public school purposes included therein is, by reason of such alteration, attached to another school section, the referee appointed to adjust the rights in respect of such alteration may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the referee. R.S.O. 1970, c. 385, s. 30.

Liability
for debenture debt on
alteration of
boundaries
of school
section

31.—(1) Subject to the approval of the Minister, the appropriate supervisory officer may form any part of territory without municipal organization into a rural school section.

Rural school
sections
in territory
without
municipal
organization

(2) The school section shall not exceed thirty-six square miles in area and, subject to this restriction, the boundaries may, with the approval of the Minister, be altered by the appropriate supervisory officer from time to time.

Limits of
section,
alterations

(3) On the petition of the head of a family who has a child attending school and who lives in one school section on land contiguous to another school section, the appropriate supervisory officer, if he is of the opinion that it is more convenient for the child to attend the school in the other section, may alter the boundaries of the sections so as to transfer such land from one section to the other, and, where there is a debenture debt for public school purposes in the section from which the land is transferred, the supervisory officer may require the board of the school section to which the property was attached to pay such portion of the interest and principal of the debenture debt as is determined by the supervisory officer.

Liability for
debenture
debt where
land transferred
from one section
to another

(4) Any alteration of the boundaries of a school section under this section takes effect on the 1st day of January.

Effective
date of
alterations

(5) After the formation of a school section, the supervisory officer shall cause notices to be posted, for at least six clear days in not fewer than three public places in the section, appointing a time and place for the first meeting of property owners and tenants, who are not separate school supporters, for the election of three trustees for the section, and the supervisory officer may take such additional action to publicize the meeting as he considers expedient.

Election of
school
trustees

Persons not
British
subjects not
entitled to
vote

(6) A person who is not a British subject is not entitled to vote at an election of trustees or upon any school question in a rural school section.

Trustees'
powers and
obligations

(7) The trustees elected at such meeting or at any subsequent school meeting of the school section have the powers and are subject to all the obligations of public school trustees, and may at any time after their election take the proper steps, in accordance with this Act, to raise funds for and purchase a school site and erect school buildings and provide equipment for the school.

Trustees to be
corporation,
name

(8) The trustees are a corporation and, where the school section includes part or all of one or more unorganized townships, shall be known as "The Public School Board of School Section No. of the unorganized Townships of in the Territorial District(s) of (*inserting a number selected by the appropriate supervisory officer, the name of the township in which the school site is located, the names of other townships in alphabetical order and the name(s) of district(s))*" and, where the school section includes only unsurveyed territory, shall be known as "The Public School Board of in the Territorial District(s) of (*inserting a name selected by the appropriate supervisory officer and the name(s) of the district(s))*". R.S.O. 1970, c. 385, s. 31.

Elections
in new
rural
school
sections

32.—(1) At the first election in every new rural school section, the first trustee elected shall hold office for three years, the second for two years, and the third for one year, or in case of a poll being taken the trustee receiving the highest number of votes shall hold office for three years, the trustee receiving the number of votes next to the highest shall hold office for two years, and the other trustee shall hold office for one year.

Determina-
tion where
equal
number
of votes

(2) Where two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected.

When first
year
deemed to
commence
and end

(3) The first year in each case shall be deemed to commence at the date of such first election and extend until the date fixed by section 33 for holding the second annual meeting of ratepayers thereafter. R.S.O. 1970, c. 385, s. 32.

Annual
meeting,
in rural
school
sections,
when held

33.—(1) A meeting of the electors of every rural school section for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December, or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines, or, in the absence of such resolution, at the schoolhouse of the rural school section.

(2) Where the annual meeting of electors cannot conveniently be held as provided for in subsection 1, the electors, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting, and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter, unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

(3) When any school meeting has not been held on the proper date, the supervisory officer, or any two electors in the section, may call a meeting of the electors by giving six clear days notice, to be posted up in at least three of the most public places in the rural school section, and the meeting so called has all the powers and shall perform all the duties of the meeting in the place of which it is called.

Meeting to be called in default of first or annual meeting

(4) The electors present at a school meeting shall elect one of their number as chairman and shall appoint a secretary who shall record the minutes of the meeting and perform such other duties as are required of him by this Act.

Organization of meeting

(5) The chairman shall submit all motions to the meeting in the manner desired by the majority and is entitled to vote on any motion, and in case of a tie the motion shall be declared to be negatived, and he shall decide all questions of order, subject to an appeal to the meeting.

Chairman, duties of

(6) The business of every school meeting may be conducted in the following order:

Order of business

1. Receiving and disposing of the annual report of the trustees.
2. Receiving a report from the trustees on the insurance on the buildings and equipment.
3. Receiving and disposing of the last annual report of the municipal auditor.
4. Where the ratepayers have provided for a local audit, receiving and disposing of the report of the local auditors.
5. If considered necessary, providing for a local audit and the election of a local auditor for the ensuing year.
6. Miscellaneous business.
7. The election of trustees.

(7) Where a special meeting of the electors of a rural school section is called, the meeting shall be held at the hour of 10 o'clock

Special meeting, when to be held

in the forenoon, or, if the board by resolution so directs, at the hour of 1 o'clock in the afternoon or 8 o'clock in the afternoon, at such place as the board shall by resolution determine, or in the absence of such resolution, at the schoolhouse of the rural school section.

Vacancies
on board

(8) Where a vacancy occurs from any cause in the office of trustee, the remaining trustees shall forthwith hold a new election to fill the vacancy in the manner provided for holding the annual election of trustees, and the person elected shall hold office for the remainder of the term for which his predecessor was elected.

Where one
trustee or
no trustees

(9) If at any time there are no trustees or only one trustee, any two electors of the rural school section, or the appropriate supervisory officer, by giving six days notice posted up in at least three public places in the rural school section, may call a meeting of the electors who shall elect three or two trustees, as the case may be, in the manner provided in this section.

When tie
vote

(10) When, at a regular annual meeting or at a special meeting called to fill a vacancy or vacancies, two or more candidates for the office of trustee receive an equal number of votes, the chairman of the meeting shall give a casting vote or provide for the drawing of lots to determine which of the candidates is elected. R.S.O. 1970, c. 385, s. 33.

Granting
poll in rural
school
section

34.—(1) A poll may be demanded by any two electors at a meeting for the election of trustees or for the settlement of any school question in a rural school section, and the poll shall be granted by the chairman forthwith if demanded within ten minutes after the result of a vote has been declared by the chairman.

Entry in
poll book

(2) Where a poll is granted, the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Form of
ballot paper

(3) Ballot papers shall be pieces of plain white paper of uniform size.

Marking
of ballot
paper

(4) A voter shall mark his ballot,

- (a) in the election of a trustee, by marking the name of the trustee thereon; and
- (b) on a question, by marking the word "for" or "against" thereon.

Manner of
voting

(5) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons

and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

(6) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1970, c. 385, s. 34 (1-6). Appointment of scrutineer

(7) If objection is made to the right of any person to vote, the chairman, if the name of the person appears on the assessment roll, shall require the person to make the following declaration: Right to vote objected to

1. I, A.B., declare and affirm that I am an assessed ratepayer in rural school section; or that I am the wife or husband of an assessed ratepayer in rural school section;
2. That I am of the full age of eighteen years;
3. That I am a British subject;
4. That I am a supporter of the public school in rural school section; or that I am the wife or husband of a supporter of the public school in rural school section;
5. That I have a right to vote at this election (or on the question submitted to this meeting),

and after making such declaration the person making it is entitled to vote. R.S.O. 1970, c. 385, s. 34 (7); 1971, c. 98, s. 4, Sched., par. 27.

(8) The poll shall not close before noon, but may close at any time thereafter when a full hour elapses without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon. When poll shall close

(9) When the meeting is held in the evening, the electors may decide, by resolution, that the poll shall be conducted forthwith or at 10 o'clock on the following morning, and, if conducted in the evening, the poll shall close after ten minutes have elapsed without any vote being recorded. Polling at evening meeting

(10) When a poll is closed, the secretary shall count the votes and, Counting votes, determination in case of tie

- (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
- (b) in the case of a tie vote on a question, the vote shall be deemed to be negative.

(11) In the case of an election of trustees, the chairman shall declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he Declaration of result

shall declare the question adopted or negatived as the majority of votes is in favour of or against the question.

Copy of minutes and of poll book to appropriate supervisory officer.

(12) A correct copy of the minutes of every school meeting and a copy of the poll book, where a poll has been taken, all of which shall be signed by the chairman and secretary, shall be forthwith transmitted by the chairman to the appropriate supervisory officer.

Statement of result of vote

(13) A statement of the result of the vote shall be certified by the chairman and secretary and, in the case of an election of trustees, the statement shall be signed by any scrutineers present at the counting of the ballots, and a copy thereof shall be delivered or mailed to each candidate.

Acceptance of office of trustee

(14) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.

Complaints as to elections

(15) Where complaint is made to the appropriate supervisory officer by an elector that the proceedings for the election of a trustee or that the proceedings or any part thereof of a school meeting have not been in conformity with this Act, the supervisory officer shall investigate the complaint and confirm the election or proceedings if found to be in substantial accordance with this Act, or set the same aside if found not to be in substantial accordance therewith, and in the latter event he shall appoint a time and place for a new election or for the reconsideration of the school question, but no complaint shall be entertained unless made in writing to the supervisory officer within twenty days after the holding of the election or meeting, and it is not incumbent upon the supervisory officer to set aside such election or any proceeding for want of formal compliance with this Act if he is satisfied that the result of such election or proceeding has not been affected thereby. R.S.O. 1970, c. 385, s. 34 (8-15).

Duties of secretary of rural school section:

35.—(1) It is the duty of the secretary of a rural school section,

calling special meetings

(a) to call a special meeting of the board at the request in writing of two trustees or of five electors, specifying the objects for which the meeting is to be held, and to state the objects of the meeting in the notice calling the meeting;

names and addresses of trustees and teachers to be given to supervisory officer

(b) to give notice in writing, before the 15th day of January in each year, to the appropriate supervisory officer of the names and post office addresses of the trustees and of the teachers employed, and to give reasonable notice in writing from time to time of any changes;

- (c) to give the notice required by this Act of each annual meeting of the ratepayers of the rural school section, to call a special meeting of the ratepayers when directed by the board, or, on the request in writing of five electors, for filling any vacancy in the board, for the selection of a new school site, or the appointment of a school auditor, or for any other lawful school purpose, and to cause notices of the time and place and of the objects of the meeting to be posted up in three or more public places in the rural school section at least six clear days before the time of holding the meeting; and
- (d) to cause to be prepared for the annual meeting of the ratepayers a report for the year then ending, to be signed by the trustees and by either or both of the auditors of the rural school section, containing a summary of the proceedings of the board during the year, a detailed account of all school moneys received and expended during the year and any further information that may be required by the Minister or by the regulations.

notice of annual meeting and meetings to fill vacancies in board, etc.

report at annual meeting

(2) Where the secretary of a rural school section is a trustee, the board may pay only such compensation for his services as is approved by the electors at an annual or special meeting of electors. R.S.O. 1970, c. 385, s. 35.

Compensation of secretary who is also trustee

36.—(1) In addition to the audit required under *The Municipal Act*, the ratepayers of a rural school section at an annual or special meeting held before the 15th day of December may provide for a local audit of the school accounts, and, when a local audit is provided for, there shall be two auditors, one of whom shall be elected by the ratepayers and the other appointed by the school board before the 15th day of December.

Local auditors of rural schools
R.S.O. 1970, c. 284

(2) Where an auditor refuses or is unable to act or dies, another auditor may be elected or appointed in his place.

Filling vacancies

(3) If from any cause at any time after the 1st day of December there are not two auditors willing, able and authorized to act, the appropriate supervisory officer on the written request of any two ratepayers shall appoint one or both auditors as the case may require.

Appointment by supervisory officer

(4) The board or the secretary and treasurer shall lay all accounts before the school auditors or one of them, together with the agreements, vouchers, contracts and books in their possession, and the board and the secretary and treasurer and each of them shall afford to the auditors all the information in his or their power as to the receipts and expenditures that the auditors or either of them may require.

Trustees and secretary-treasurer to lay accounts, etc., before auditors

- Time of audit (5) The auditors, or one of them, shall on or immediately after the 1st day of December in each year appoint a time, before the day of the next ensuing annual school meeting, for examining the accounts of the rural school section.
- Duties of auditors (6) It is the duty of the auditors to examine into and decide upon the accuracy of the accounts of the rural school section, and whether the board has duly expended for school purposes and accounted for the moneys received by it, and to submit the accounts with a full report thereon at the next annual school meeting.
- Differences between auditors (7) Any difference of opinion between the auditors on any matter in the accounts shall be decided by the appropriate supervisory officer.
- Report of objection (8) If both auditors object to the lawfulness of any expenditure, they shall report the matter to the annual meeting and shall submit such matter to the Minister, whose decision is final.
- Powers of auditors (9) The auditors or either of them may require the attendance of all persons interested in the accounts, and of their witnesses, with such books, papers and documents as the auditor or auditors may direct, and may administer oaths to such persons and witnesses.
- May complete audit after time prescribed (10) An auditor who has entered upon an audit may complete the audit although he has not done so within the time prescribed by this Act. R.S.O. 1970, c. 385, s. 36.
- Assessment R.S.O. 1970, c. 32 **37.** The appropriate assessor under *The Assessment Act* for a rural school section that comprises only territory without municipal organization shall prepare an assessment roll for the school section and the provisions of that Act apply *mutatis mutandis* and any reference in that Act to a municipality or the council thereof shall be deemed to be a reference to the school section or the board thereof and any reference therein to the clerk of the municipality shall be deemed to be a reference to the secretary of the board of the school section. R.S.O. 1970, c. 385, s. 37.
- Powers of boards re levying of rates, etc. **38.**—(1) The board of a school section that comprises only territory without municipal organization shall exercise for the territory included in the section the powers and duties of a municipal council with respect to,
- (a) preparing estimates of the sums required during the year, levying rates, and collecting taxes for public school purposes and, in accordance with the regulations, for community recreation purposes; and
 - (b) issuing debentures for public school purposes.

(2) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality. R.S.O. 1970, c. 385, s. 38.

Powers of
tax collector

39. In the first year in which territory without municipal organization is included in a school section, the rates for that year shall be levied on the assessment made in that year. R.S.O. 1970, c. 385, s. 39.

Rates for
first year
levied on
current
assessment

40.—(1) Where any part of territory without municipal organization forms part of a school section that includes part or all of one or more organized municipalities, such part of the territory without municipal organization shall for public school purposes be deemed to be annexed to the organized municipality that has the greatest assessment for public school purposes in the school section, and the officers thereof shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school section as with respect to any part of the school section that lies within the organized municipality.

Assessment
of part of
unorganized
territory in
a school
section that
includes an
organized
municipality

(2) The council of the organized municipality in preparing the estimates of the sums required to be raised by assessment and taxes under this section with respect to the part of territory without municipal organization that forms part of such a school section shall,

Estimates to
include
expenses of
collection,
etc., and
allowances
to be made

- (a) make allowance for the abatement of and discount on taxes, for uncollectable taxes and for taxes that it is estimated will not be collected during the year in such part of the territory without municipal organization;
- (b) include the proper proportion of the salaries and expenses of the officers making the assessments and collecting the taxes having regard to the ratio that the assessment in that part of the territory without municipal organization bears to the total assessment of the whole section; and
- (c) include the cost of providing polling places in such territory. R.S.O. 1970, c. 385, s. 40.

41.—(1) The board of a school section in the territorial districts that does not form part of a school division has the same powers in respect of the issue, sale and hypothecation of debentures as a divisional board of education, and subsections 1 and 1a of section 35 of *The Secondary Schools and Boards of Education Act* apply *mutatis mutandis*, provided that the issue of debentures by the board of a school section that comprises only territory without

Issue of
debentures
by boards in
territorial
districts not
in school
division
R.S.O. 1970,
c. 425

municipal organization has been sanctioned at a special meeting of the ratepayers of the school section. 1971, c. 69, s. 3.

NOTE: Subsection 1 as set out above, comes into force on the first day of January, 1972. See 1971, c. 69, s. 3, 8 (2).

Signing and
sealing
debentures

(2) The debentures shall be signed by the trustees and sealed with the corporate seal of the board, and are a charge upon the taxable property of the public school supporters of the section. R.S.O. 1970, c. 385, s. 41 (2).

Appoint-
ment and
duties of
school
collector

42.—(1) The board of a school section that comprises only territory without municipal organization may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the ratepayers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the appropriate supervisory officer. R.S.O. 1970, c. 385, s. 42 (1); 1971, c. 69, s. 4.

Powers and
liabilities of
school
collector

(2) A collector has the same powers in collecting the school rate or subscriptions, and is under the same liabilities and obligations and shall proceed in the same manner in the school section, as a township collector in collecting rates in a township.

Return of
arrears of
taxes in un-
organized
territory

(3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book

(4) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payments
of arrears
thereafter

(5) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid to
sheriff

(6) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and shall return the amount paid to the treasurer of the board.

Sale of land
for arrears

(7) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the

31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect the same by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

(8) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a school section, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the school section, and all the powers and duties of the sheriff in respect of tax arrears are vested in the treasurer of the board. R.S.O. 1970, c. 385, s. 42 (2-8).

Where tax
arrears
procedures
of R.S.O.
1970, c. 118
in effect

43.—(1) When, in a school term, the number of public school pupils of compulsory school age residing in a school section in territory without municipal organization is fewer than ten and the board has ceased to operate a school, the appropriate supervisory officer may, with the approval of the Minister, declare that the school section is inactive as of the last day of that school term.

Inactive
school
section in
unorganized
territory

(2) When a school section in territory without municipal organization is declared to be inactive, the board shall liquidate its assets, settle its accounts and have them audited and forward to the Minister the audited statement of accounts, the auditor's report and the balance of the funds for deposit in the Consolidated Revenue Fund for safekeeping.

Funds of
board
deposited
in Con.
Rev. Fund

(3) If the Minister is satisfied that the board has carried out its duties under subsection 2, he shall dissolve the board.

Dissolution
of board

(4) The records of the inactive school section shall be filed in the office of the appropriate supervisory officer and, for the purposes of this Act, the pupils resident in the inactive school section shall be deemed not to reside in a school section.

Records;
pupils

(5) Where ten or more children of compulsory school age, whose parents or guardians are not separate school supporters, reside in an inactive school section in territory without municipal organization for a school term, the appropriate supervisory officer may, with the approval of the Minister, declare the school section to be active.

School
section
declared
active

(6) After the supervisory officer has declared the school section to be active, three school trustees shall be elected in accordance

Trustees

with section 31, and the trustees shall provide for the education of the pupils commencing in the following school term, and any funds that were deposited in the Consolidated Revenue Fund for safekeeping on behalf of the school section shall be returned to the board. R.S.O. 1970, c. 385, s. 43.

44.—REPEALED: 1971, c. 69, s. 5.

NOTE: Section 44 is repealed as of the first day of January, 1972. See 1971, c. 69, s. 5, 8 (2).

Rural school board may borrow surplus moneys

45. A rural school board may, with the consent of the ratepayers first obtained at a special meeting called for the purpose, by resolution authorize the borrowing from any municipal corporation of any surplus moneys of the corporation or in the Ontario Municipalities Fund for such term and at such rate of interest as may be set forth in the resolution for the purpose of any permanent improvement, and any sum so borrowed shall be applied only to the purpose for which it was borrowed. R.S.O. 1970, c. 385, s. 45.

Cost of borrowing advance to board before sale of debenture

46.—(1) Where the issue of a debenture by a municipality for permanent improvements by a board has been approved by the Ontario Municipal Board and the council of the municipality borrows and advances money to the board before the sale of the debenture for the purposes of the undertaking for which the issue of the debenture is required, the council may charge the cost of such borrowing to the board for the period before the sale for which the money is borrowed or for a period of one year, whichever is the lesser.

Expenses re issuing debenture

(2) Where debentures are issued by a municipality on behalf of a school board, the expenses of preparing and publishing any by-law or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. R.S.O. 1970, c. 385, s. 46.

Levy of sums required by boards

R.S.O. 1970, cc. 284, 425

47.—(1) The council of each municipality shall levy and collect upon the taxable property of the public school supporters of each school section or part of a school section within the municipality, in the manner provided in this Act and in *The Municipal Act*, such sums as may be required by the board or boards of such school section or sections for school purposes, and shall pay them to the treasurer or treasurers of the board or boards in such instalments and at such times as are provided in section 34 of *The Secondary Schools and Boards of Education Act*, which section applies *mutatis mutandis*.

(2) The sums payable by a municipality to the board of a school section are payable out of moneys raised or to be raised upon the taxable property of the public school supporters in the school section or the part thereof lying within the municipality.

Sums payable to board

(3) The council of each municipality shall annually account for all moneys collected for public school purposes, and any sum collected in excess of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following. 1971, c. 69, s. 6.

Municipality to account for moneys

NOTE: Section 47 as set out above, comes into force on the first day of January, 1972. See 1971, c. 69, s. 6, 8 (2).

48. Every municipal council shall correct any errors or omissions that may have been made within the three years next preceding such correction in the collection of any school rate duly imposed or intended so to be to the end that no property shall escape from or be compelled to pay more than its proper proportion of the rate. R.S.O. 1970, c. 385, s. 48.

Correction of errors in collection of rates in previous years

49. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality. R.S.O. 1970, c. 385, s. 49.

School rate where no public school in municipality

50.—(1) The moneys raised under section 49 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund.

Reserve fund for public school purposes

R.S.O. 1970, c. 470

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. R.S.O. 1970, c. 385, s. 50.

Application of fund

51.—(1) A public school board shall,

- (a) operate schools under its charge in accordance with the provisions of this Act, *The Schools Administration Act*, *The Department of Education Act* and the regulations thereunder;

Duties of boards: operate schools
R.S.O. 1970, cc. 424, 111

submit
estimates

- (b) prepare and submit to the council of each municipality, all or part of which is included in the school section in which the board has jurisdiction, estimates of all sums required during the year for the purposes of the board, and such estimates,
 - (i) shall set forth the estimated revenues and expenditures of the board,
 - (ii) shall make due allowance for a surplus of any previous year that will be available during the current year,
 - (iii) shall provide for a deficit of any previous year,
 - (iv) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the taxable property of public school supporters in the school section according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements,
 - (v) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or is more than 20 per cent of such expenditures, no further sum shall be provided;

R.S.O. 1970,
c. 424

school
open

- (c) keep open each school during the whole period of the school year, except where it is otherwise provided by this Act;

provide
and pay

- (d) provide and pay,
 - (i) the salaries of employees of the board,
 - (ii) repairs to buildings,
 - (iii) furnishings,
 - (iv) fuel,
 - (v) light,
 - (vi) stationery,
 - (vii) equipment,
 - (viii) insurance,
 - (ix) travelling expenses of trustees and officers of the board, and
 - (x) miscellaneous expenses incurred under the authority of the board.

- (2) A public school board may,
- (a) take possession of all property acquired or given for public school purposes and hold it according to the terms on which it was acquired or given; Powers of board: hold property
 - (b) dispose, by sale or otherwise, of any school site or property not required in consequence of a change of site or other cause, and convey the same under the corporate seal of the board, and apply the proceeds thereof for school purposes or as directed by this Act; sell property
 - (c) establish,
 - (i) kindergartens, kindergartens, etc.
 - (ii) classes in industrial arts training and household economics,
 - (iii) school gardens, and
 - (iv) auxiliary and academic-vocational classrooms;
 - (d) provide and pay for such equipment as may be necessary for the teaching of agriculture; agriculture
 - (e) contribute toward the support of rural school fairs; school fairs
 - (f) exempt any indigent person from the payment of school taxes or fees, in whole or in part, in which case it shall notify the clerk of the municipality of such exemption on or before the 1st day of August; exempt
 - (g) provide for surgical treatment of children attending the school suffering from minor physical defects, where in the opinion of the teacher and, where a school nurse and medical inspector are employed, of the nurse and medical inspector, the defect interferes with the proper education of the child, and include in the estimates for the current year the funds necessary for cases where the parents are not able to pay, provided that no such treatment shall be undertaken without the consent of the parents or guardian of the child; surgical treatment
- (3) A public school board of a rural school section shall,
- (a) at the first meeting of the board, examine the schoolhouse, outbuildings, school furniture, maps and apparatus, with a view to ascertaining what repairs or improvements may be necessary; Duties of rural board: examine property
 - (b) make suitable provisions for heating the schoolhouse and keeping the schoolhouse and premises in a clean and sanitary condition; and custodian
 - (c) ascertain and report to the Minister at least once in each year the names and ages of all children of school age who are blind or who are deaf and who would otherwise be required to attend the school under its charge. R.S.O. 1970, c. 385, s. 51. blind and deaf

Proceedings
not invalid
unless sub-
stantial
injustice

52.—(1) No proceeding with respect to the formation, alteration or dissolution of a school section is invalid or shall be set aside because of failure to comply with the provisions of this Act applicable to the proceeding, unless, in the opinion of the tribunal before which the proceeding is called in question, the proceeding, if allowed to stand, would cause substantial injustice to be done to any person affected thereby.

Questions
to be deter-
mined by
judge

(2) If any question arises touching the validity of any proceeding with respect to the formation, alteration or dissolution of a school section or touching any by-law with respect to any of such matters, the question shall be raised, heard and determined upon a summary application to the judge. R.S.O. 1970, c. 385, s. 52.

Admission of
pupils from
school section
to public
schools of
another
section or
to Indian
schools

53.—(1) A public school board may provide for the admission of pupils of the section to the public schools of any other school section or to an Indian school under the supervision of a supervisory officer, subject to the approval of the board of such other school section or authority having control of the Indian school, and the accommodation provided under such arrangement shall be taken in lieu of the accommodation that the board is required by this Act to make for the pupils of the section.

Closing of
school by
board

(2) Where a public school board has arranged under subsection 1 for the admission of all the pupils of the school section to the public schools of another school section, the board may close the schools of the section for the period during which such arrangement is in effect.

Closing of
school by
Minister

(3) Where in any school section there are for two consecutive years fewer than eight persons between the ages of five and fourteen years residing therein, the Minister may direct that the public school of the section shall no longer remain open, and the school shall thereupon be closed until the Minister otherwise directs.

Fees and
travelling
expenses

(4) The board may levy and collect upon the taxable property of the section such further sum as may be necessary to pay the fees of pupils attending the schools of another school section or Indian schools and to pay for the conveyance of the pupils to and from such schools as well as such other sums as the board considers expedient or as may be required by this Act. R.S.O. 1970, c. 385, s. 53.

Exemption
by-laws not
to include
school
taxes

54. No by-law of a municipal council passed after the 14th day of April, 1892, for exempting any part of the rateable property in the municipality from taxation in whole or in part shall be held or construed to exempt the property from school rates of any kind. R.S.O. 1970, c. 385, s. 54.

55. The clerk of every municipality shall furnish to each board and supervisory officer having jurisdiction in the municipality or any part thereof such information as may be requested with respect to population and the assessment and collector's roll, and the cost of preparing a statement including such information shall be paid by the board that requested it. R.S.O. 1970, c. 385, s. 55.

Clerk to
give
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The Schools Administration Act

Revised Statutes of Ontario, 1970
CHAPTER 424

as amended by
1971, Chapter 90

1971

TORONTO

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PARTIAL LIST

of the Acts pertaining to the

ADMINISTRATION OF EDUCATION
IN ONTARIO

The Department of Education Act

*The Public Schools Act

The Schools Administration Act

*The Secondary Schools and Boards of
Education Act

*The Separate Schools Act

The Ontario School Trustees' Council Act

The Teachers' Superannuation Act

The Teaching Profession Act

The Trade Schools Regulation Act

*This Act should be read in conjunction with The Schools Administration Act.

THE SCHOOLS ADMINISTRATION ACT

R.S.O. 1970, CHAPTER 424

as amended by
1971, Chapter 90

INTERPRETATION

1.—(1) In this Act, “board” means a public school board, separate school board, secondary school board or board of education. R.S.O. 1970, c. 424, s. 1 (1). Interpre-
tation in
this Act

(2) In this Act and in *The Department of Education Act*, *The Public Schools Act*, *The Separate Schools Act* and *The Secondary Schools and Boards of Education Act* and the regulations under any of such Acts, unless otherwise provided in the Act or regulations, in school
Acts
R.S.O. 1970,
cc. 111, 385,
430, 425

1. “adjoining” means touching at any point;

1a. “average daily enrolment” for a calendar year means the number obtained by adding,

i. the sum of,

- a. the product of 0.3 and the number of pupils registered for full-day attendance on the last school day in each of the months of January and April,
- b. the product of 0.4 and the number of pupils registered for full-day attendance on the last school day in September,
- c. the product of 0.15 and the number of pupils registered for half-day attendance on the last school day in each of the months of January and April, and
- d. the product of 0.2 and the number of pupils registered for half-day attendance on the last school day in September, and

ii. the result obtained by,

- a. multiplying, for each summer-school course and for each evening course established by the board, the number of pupils enrolled in the course by one-fifth of the number of hours of instruction in the course,
- b. ascertaining the sum of the products obtained under sub-subparagraph a,

- c. subtracting from the sum obtained under sub-subparagraph b, one-fifth of the number of hours lost as a result of late registrations or early withdrawals for any cause by all pupils enrolled in such courses, and
 - d. dividing the result obtained under sub-subparagraph c by the number of school days in the calendar year;
2. "board of education" includes a divisional board of education;
3. "capital fund" means a fund acquired from the proceeds of the sale of a debenture, from a capital loan or from a loan pending the sale of a debentures;
4. "cost of operation" means the total of the current expenditure and debt charges paid in the year by a board or on its behalf;
5. "county judge" or "judge" means the judge of the county or district court of the county or district in which the board concerned has jurisdiction and, where the board has jurisdiction in two or more counties or districts, means the judge of the county or district court of the county or district in which the assessment of real property liable to rates for the purposes of the board is the greatest according to the last revised assessment rolls;
6. "current expenditure" means an expenditure for maintenance or a permanent improvement from funds other than those arising from the sale of a debenture, from a capital loan or from a loan pending the sale of a debenture;
7. "current revenue" means all amounts earned by the board, together with the amounts to which it becomes entitled, other than by borrowing, that may be used to meet its expenditures;
8. "debt charge" means the amount of money necessary annually to pay the interest on all debt, the principal of long-term debt not payable from a sinking fund, and to provide a fund for the redemption of debentures payable from a sinking fund;
9. "Department" means the Department of Education;
10. "elementary school" means a public or separate school;
11. "guardian" means a person who has been appointed by order of a court as the legal guardian of a child in place of a parent;

12. "itinerant teacher" means a teacher employed on a part-time basis by one board or more to teach one subject and who is normally required to travel from one school to another in the performance of his duties;
13. "maintenance expenditure" means a current expenditure, not including an expenditure for a permanent improvement or a debt charge;
14. "Minister" means the Minister of Education;
15. "municipality" means a city, town, village or township, but does not include a county;
16. "occasional teacher" means a teacher employed to teach as a substitute for a permanent, probationary or temporary teacher;
• • • • •
18. "permanent improvement" includes,
 - i. the acquisition of a school site and an addition or an improvement to a school site,
 - ii. the acquisition or erection of a building used for instructional purposes and any addition, alteration or improvement thereto,
 - iii. the acquisition or erection of an administration office, a residence for teachers or caretakers and a storage building for equipment and supplies, and any addition, alteration or improvement thereto,
 - iv. the acquisition of furniture, furnishings, library books, instructional equipment and apparatus, and equipment required for maintenance of the property,
 - v. the acquisition of a bus, or other vehicle, used for the transportation of pupils,
 - vi. the obtaining of a water supply on the school property or conveyed from outside the school property,
 - vii. initial payments or contributions for past service pensions to a pension plan for officers and other employees of the board;
19. "permanent teacher" means a teacher employed on a continuing basis, but does not include a temporary teacher or an occasional teacher;
20. "population" of a municipality or a portion thereof means the population determined by reference to the last municipal census of the municipality, less the number of inmates in public institutions in the municipality or the portion thereof, as certified by the clerk of the municipality;

21. "prescribed" means prescribed by the regulations;
22. "probationary teacher" means a teacher employed for a probationary period,
 - i. of not more than two years for a teacher with less than three years experience before the commencement of the contract, or
 - ii. of not more than one year for a teacher with three or more years experience before the commencement of the contract,
 leading to an appointment as a permanent teacher if his services are satisfactory to the board, but does not include a temporary teacher or an occasional teacher;
23. "provincial supervisory officer" means a teacher employed as a supervisory officer by the Province.
24. "regulations" means the regulations made under *The Department of Education Act*;
25. "reserve fund" means a reserve fund established under section 308 of *The Municipal Act* or paragraph 17 of section 34 of this Act;
26. "rural school section" means a school section that comprises only territory without municipal organization;
27. "school division" means the area in which a divisional board of education has jurisdiction;
28. "school section" means a locality for which a public school board or board of education has been or is to be established and that comprises part or all of one or more townships or of one or more urban municipalities or of territory without municipal organization or any combination of such areas;
29. "school site" means any land or building required for a schoolhouse, school playground, school garden, teacher's residence, caretaker's residence, drill hall, gymnasium, offices, parking areas, offices of a board or for any other school purposes;
30. "secondary school" means a school under the jurisdiction of a secondary school board;
31. "secondary school district" means the area in which a secondary school board has jurisdiction;
32. "secretary" and "treasurer" include a secretary-treasurer;

R.S.O. 1970,
c. 111

R.S.O. 1970,
c. 284

33. "separated town" means a town separated for municipal purposes from the county in which it is situated;
34. "supervisory officer" means a teacher employed as a supervisory officer by the Province or a board and includes a director of education and a superintendent of separate schools;
35. "teacher" means a person holding a legal certificate of qualification;
36. "temporary teacher" means a person employed to teach under the authority of a letter of permission;
37. "township" includes union of townships;
38. "urban municipality" means a city, town or village;
39. "urban school section" means a township school area or a school section that includes an urban municipality. R.S.O. 1970, c. 424, s. 1 (2); 1971, c. 90, s. 1.

PART I

SCHOOL TERMS AND COMPULSORY ATTENDANCE

2. In this Part, "guardian", in addition to having the meaning ascribed in law, includes any person who has received into his home another person's child who is of compulsory school age and is resident with him or in his care or legal custody. R.S.O. 1970, c. 424, s. 2. Interpretation

3.—(1) The school year for elementary and secondary schools consists of three terms. School year

(2) The first or fall term commences on the day following Labour Day and ends on the 22nd day of December, but, when the 22nd day of December is a Monday, the first term ends on the preceding Friday. First term

(3) The second or winter term commences on the 3rd day of January and ends on the Friday preceding the 21st day of March, but, when the 3rd day of January is a Friday, the second term commences on the following Monday. Second term

(4) The third or spring term commences on the second Monday following the end of the second term and ends on the 30th day of June, but, when the 30th day of June is a Monday or Tuesday, the third term ends on the preceding Friday. R.S.O. 1970, c. 424, s. 3. Third term

4. The following days are school holidays:

1. Every Saturday and Sunday.

School
holidays

R.S.O. 1970,
cc. 145, 377,
111

2. Every day proclaimed a public holiday by the authorities of the municipality in which the school is situated.
3. Every day upon which the school is closed under *The Emergency Measures Act*, *The Public Health Act* or *The Department of Education Act* or the regulations.
4. A day approved by the appropriate supervisory officer for a teachers' institute or conference.
5. A day appointed by the Governor General or the Lieutenant Governor as a public holiday or for thanksgiving.
6. The birthday of the reigning sovereign or the day fixed by proclamation of the Governor General for the celebration of the birthday of the reigning sovereign.
7. Good Friday, Easter Monday, Victoria Day and Remembrance Day.
8. Where under section 5 the school is open during July and August, Dominion Day and Labour Day. R.S.O. 1970, c. 424, s. 4.

Rural
areas

5.—(1) With the approval of the appropriate provincial supervisory officer, a rural elementary school board may substitute holidays in some other part of the year for part of the time allowed for between the second and third terms and for summer holidays to suit the convenience of pupils and teachers, but the same number of holidays shall be allowed in each year.

School
terms in
districts

(2) In a territorial district, the appropriate supervisory officer, subject to an appeal to the Minister, may determine the length of time, which shall not be less than six months, during which an elementary school shall be kept open in each year, and the board of the school concerned shall keep the school open during the whole of the time so determined. R.S.O. 1970, c. 424, s. 5.

Compulsory
attendance

6.—(1) Unless excused under this section,

- (a) every child who attains the age of six years on or before the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in that year until the last school day in June in the year in which he attains the age of sixteen years; and
- (b) every child who attains the age of six years after the first school day in September in any year shall attend an elementary or secondary school on every school day from the first school day in September in the next succeeding year until the last school day in June in the year in which he attains the age of sixteen years.

- (2) A child is excused from attendance at school, When attendance excused
- (a) if, in the opinion of the Minister, he is receiving satisfactory instruction at home or elsewhere;
 - (b) if he is unable to attend school by reason of sickness or other unavoidable cause;
 - (c) if transportation is not provided by a board for the child and there is no school that he has a right to attend situated,
 - (i) within one mile from his residence measured by the nearest highway if he has not attained the age of seven years on or before the first school day in September in the year in question, or
 - (ii) within two miles from his residence measured by the nearest highway if he has attained the age of seven years but not the age of ten years on or before the first school day in September in the year in question, or
 - (iii) within three miles from his residence measured by the nearest highway if he has attained the age of ten years on or before the first school day in September in the year in question;
 - (d) if he has obtained a secondary school graduation diploma or has completed a course that gives him equivalent standing;
 - (e) if he is absent from school for the purpose of receiving instruction in music and the period of absence does not exceed one-half day in any week;
 - (f) if he is excluded from attendance at school under any Act or under the regulations;
 - (g) if he is absent on a day regarded as a holy day by the church or religious denomination to which he belongs; or
 - (h) if he is absent temporarily as authorized under the regulations.

(3) The fact that a child is blind or deaf is not an unavoidable cause under clause *b* of subsection 2 if the child is eligible for admission to the Ontario School for the Blind or an Ontario School for the Deaf. Blind or deaf children

(4) Where a child under compulsory school age has been enrolled as a pupil in an elementary school, this section applies during the school term for which the child is enrolled as if he were of compulsory school age. Child under compulsory age

(5) The parent or guardian of a child who is required to attend school under this section shall cause the child to attend school as required by this section. Duty of parent, etc.

Separate
school
supporters

(6) Nothing in this section requires the child of a Roman Catholic separate school supporter to attend a public school or requires the child of a public school supporter to attend a Roman Catholic separate school. R.S.O. 1970, c. 424, s. 6.

Provincial
school
attendance
counsellor

7.—(1) The Lieutenant Governor in Council may appoint an officer, to be known as the provincial school attendance counsellor, who shall, under the direction of the Minister and subject to the regulations, superintend and direct the enforcement of compulsory school attendance.

Inquiry, by
Minister

(2) Where a child or his parent or guardian considers that the child is excused from attendance at school under clause *a* of subsection 2 of section 6, the Minister may inquire as to the instruction being given to the child and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is receiving satisfactory instruction and, if he considers that the child is not receiving satisfactory instruction, he may by his order direct that the child shall attend school.

by provincial
counsellor

(3) Where a child or his parent or guardian considers that the child is excused from attendance at school under any one of clauses *b* to *h* of subsection 2 of section 6, the provincial school attendance counsellor may inquire as to the reason or excuse for non-attendance, and as to the general educational proficiency of the child and the other circumstances of the case, and may by order in writing signed by him determine whether or not the child is excused under the clause and, if he considers that there is no valid reason why the child should not attend school, he may by his order direct that the child shall attend school.

Powers of
provincial
counsellor

(4) The provincial school attendance counsellor has all the powers of a school attendance counsellor and may exercise such powers anywhere in Ontario. R.S.O. 1970, c. 424, s. 7.

Appoint-
ment of
school
attendance
counsellors

8.—(1) Every board shall appoint one or more school attendance counsellors.

Idem

(2) Two or more boards may appoint the same school attendance counsellor or counsellors.

Vacancies

(3) Where the office of a school attendance counsellor becomes vacant, it shall be filled forthwith by the board.

Notice of
appoint-
ment

(4) Notice of the appointment of a school attendance counsellor shall be given in writing by the board to the provincial school attendance counsellor and to the supervisory officers concerned. R.S.O. 1970, c. 424, s. 8.

Jurisdiction
and re-
sponsibility
of
counsellors,
of public
schools

9.—(1) A school attendance counsellor appointed by a public school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children

who are of compulsory school age in the area in which the board that appointed him has jurisdiction or who are not resident pupils of the school section but are or have been enrolled during the current school year in a public school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a secondary or separate school board.

(2) A school attendance counsellor appointed by a separate school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age and whose parents or guardians are supporters of a school operated by the board or who are not resident pupils of the separate school zone but are or have been enrolled during the current school year in a separate school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a secondary school board.

of separate
schools

(3) A school attendance counsellor appointed by a secondary school board has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children of compulsory school age who are resident pupils of the secondary school district or who are not resident pupils of a secondary school district but are or have been enrolled during the current school year in a secondary school operated by the board.

of secondary
schools

(4) A school attendance counsellor appointed by a board of education has jurisdiction and is responsible for the enforcement of compulsory school attendance in respect of all children who are of compulsory school age in the area in which the board has jurisdiction or who are not resident pupils of the public school section or secondary school district but are or have been enrolled during the current school year in a public or secondary school operated by the board, except children who are subject to the jurisdiction of a school attendance counsellor appointed by a separate school board. R.S.O. 1970, c. 424, s. 9.

of boards of
education

10.—(1) A school attendance counsellor may,

Powers of
counsellors

- (a) enter without warrant any place where children may be assembled or congregated;
- (b) at the request of the parent or guardian apprehend and deliver to the school from which he is absent or to his parent or guardian, without warrant, any child found illegally absent from school.

(2) A school attendance counsellor shall report monthly to the body that appointed him, and annually to the provincial school attendance counsellor, on the prescribed forms.

Reports

To act under
supervisory
officer
and
provincial
counsellor

(3) A school attendance counsellor shall perform his duties under the direction of the appropriate supervisory officer, and shall carry out the instructions and directions of the provincial school attendance counsellor.

Inquiry
by counsellor
and notice

(4) A school attendance counsellor shall inquire into every case of failure to attend school within his knowledge or when requested so to do by the appropriate supervisory officer or principal of a school or a ratepayer, and shall give written warning of the consequences of such failure to the parent or guardian of a child who is not attending school as required, and shall also give written notice to the parent or guardian to cause the child to attend school forthwith. R.S.O. 1970, c. 424, s. 10.

Census

11. A board may make a complete census of all children in the area in which the board has jurisdiction who have not attained the age of twenty-one years. R.S.O. 1970, c. 424, s. 11.

Reports
and
information

12.—(1) The principal of every elementary or secondary school shall,

- (a) report in accordance with the regulations to the appropriate school attendance counsellor, and in the case of an elementary school also to the appropriate supervisory officer, the names, ages and residences of all pupils of compulsory school age who have not attended school as required;
- (b) furnish the school attendance counsellor with such other information as the counsellor requires for the enforcement of compulsory school attendance;
- (c) report to the school attendance counsellor every case of suspension or expulsion.

Where no
school
attendance
counsellor

(2) Where a child of compulsory school age has not attended school as required and there is no school attendance counsellor having jurisdiction in respect of the child, the appropriate supervisory officer concerned shall notify the parent or guardian of the child of the requirements of section 6. R.S.O. 1970, c. 424, s. 12.

Provincial
counsellor as
trustee

13. Where it appears to the Minister that a public school board in territory without municipal organization is not providing accommodation for the children entitled to attend public school, or has neglected or failed to raise the necessary funds for the establishment and maintenance of a public school, or has in other respects failed to comply with *The Public Schools Act*, this Act and the regulations, or that the election of trustees has been neglected and no regular board is in existence, the Minister may authorize and direct the provincial school attendance counsellor to do all things and exercise all powers that may be necessary for

R.S.O. 1970,
c. 385

the establishment and maintenance of a public school, the erection of school buildings and providing accommodations, the opening and conducting of a school, the levying of all sums of money required for public school purposes, and generally whatever may be required for the purpose of establishing, maintaining and conducting a public school in accordance with *The Public Schools Act*, this Act and the regulations, and thereupon the provincial school attendance counsellor has and may exercise and perform, as authorized by the Minister, all the authority, powers and duties vested in, and to be performed by, a public school board under *The Public Schools Act*, this Act and the regulations. R.S.O. 1970, c. 424, s. 13.

14.—(1) A parent or guardian of a child of compulsory school age, who neglects or refuses to cause the child to attend school, is, unless the child is legally excused from attendance, guilty of an offence and on summary conviction is liable to a fine of not more than \$25. Liability
of parent
or guardian

(2) The provincial judge may, instead of imposing a fine, require a person convicted of an offence under subsection 1 to give a bond in the penal sum of \$100, with one or more sureties to be approved by the provincial judge, conditioned that the person shall cause the child to attend school as required by this Part. Bond for
attendance

(3) A person who employs a child of compulsory school age during school hours is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. Employ-
ment during
school hours

(4) If a corporation contravenes subsection 1 or 3, in addition to the corporation, every director and officer of the corporation who authorizes, permits or acquiesces in the contravention is guilty of an offence and on summary conviction is liable to the same penalty as the corporation. Offences by
corporations

(5) A child of compulsory school age who is habitually absent from school without being legally excused is guilty of an offence and on summary conviction is liable to the penalties provided for children adjudged to be juvenile delinquents under the *Juvenile Delinquents Act* (Canada), and the child and his parent or guardian may be summoned to appear before a provincial judge in the Provincial Court (Family Division), and the provincial judge has the same powers to deal with such child and his parent or guardian, including the imposition and payment of fines, as he has with respect to a juvenile delinquent and his parent or guardian under the *Juvenile Delinquents Act* (Canada). Children
habitually
absent from
school

R.S.C. 1952,
c. 160

(6) Proceedings in respect of offences under subsection 5 shall be proceeded with only in accordance with such subsection. Proceedings
under
subs. 5 R.S.O. 1970, c. 424, s. 14.

Proceedings
to be taken
by attend-
ance
counsellors

15.—(1) Prosecutions under section 14 shall be instituted by the school attendance counsellor concerned and prosecutions under subsection 1 of section 14 shall be instituted in the Provincial Court (Family Division).

Certificate
of principal
as evidence

(2) In prosecutions under section 14, a certificate as to the attendance or non-attendance at school of any child, signed or purporting to be signed by the principal of the school, is *prima facie* evidence of the facts stated therein without any proof of the signature or appointment of the principal.

Proof of
age

(3) Where a person is charged under section 14 in respect of a child who is alleged to be of compulsory school age and the child appears to the provincial judge to be of compulsory school age, the child shall, for the purposes of such prosecution, be deemed to be of compulsory school age unless the contrary is proved. R.S.O. 1970, c. 424, s. 15.

PART II

TEACHERS

Memo-
randum
of contract

16.—(1) A memorandum of every contract of employment between a board and a permanent teacher or a probationary teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made, or has not been amended to incorporate any change made in the form of contract so prescribed, every contract shall be deemed to include the terms and conditions contained in the form of contract prescribed for a permanent teacher. R.S.O. 1970, c. 424, s. 16 (1); 1971, c. 90, s. 2 (1).

Board and
lodging

(2) The contract may, in the case of a separate school board, include a stipulation to provide the teacher with board and lodging.

Salary of
teacher

(3) Unless otherwise expressly agreed, a teacher is entitled to be paid his salary in the proportion that the total number of days during which he teaches bears to the whole number of teaching days in the year.

Payment for
absence due
to illness
or dental
condition

(4) Subject to subsection 6, a permanent or probationary teacher is entitled to his salary for a total of twenty school days in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than twenty days absence from duty on account of such sickness or such tooth or gum condition.

(5) Subject to subsection 6, a temporary teacher is entitled to his salary for two days in respect of each month of his employment in any school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the teacher his salary for more than such two days absence from duty on account of such sickness or such tooth or gum condition.

Idem

(6) An itinerant teacher is entitled to his salary for 10 per cent of the periods of instruction and supervision specified in the agreement for his employment in any one school year in respect of his absence from duty on account of his sickness certified to by a physician or on account of acute inflammatory condition of his teeth or gums certified to by a licentiate of dental surgery, but a board may in its discretion pay the itinerant teacher his salary for more than 10 per cent of the periods of instruction and supervision in respect of his absence from duty on account of such sickness or such tooth or gum condition.

Itinerant teacher

(7) Every teacher is entitled to his salary notwithstanding his absence from duty in any case where, because of exposure to a communicable disease, he is quarantined or otherwise prevented by the order of the medical health authorities from attending upon his duties.

Absence of teacher in quarantine

(8) Every teacher is entitled to his salary notwithstanding his absence from duty as a witness in any court to which he has been summoned in any proceedings to which he is not a party or one of the persons charged. R.S.O. 1970, c. 424, s. 16 (2-8).

Appearing as witness in court

(9) REPEALED: 1971, c. 90, s. 2 (2).

(10) If it appears to the judge on the trial of an action for the recovery of a teacher's salary that there was not reasonable ground for the board disputing its liability or that the failure of the board to pay was from an improper motive, he may award as a penalty a sum not exceeding three months salary.

Award of salary by way of penalty

(11) For the purposes of subsection 10, the failure of a board to pay a teacher's salary may be extended by a judge to include failure to pay a teacher's salary when an agreement for his employment has been made by the board but no written memorandum has been made and executed as required by subsection 1, if the judge is satisfied upon the evidence that the refusal of the board to pay the salary by reason of the absence of a memorandum in writing is without merit. R.S.O. 1970, c. 424, s. 16 (10, 11).

Failure of board to pay salary when no written agreement

17.—REPEALED: 1971, c. 90, s. 3.

18.—(1) Subject to *The Department of Education Act*, no person shall be employed or act as a teacher in an elementary or

Teachers to be qualified
R.S.O. 1970, c. 111

secondary school unless he is qualified as prescribed by the regulations.

Certificates (2) Subject to *The Department of Education Act*, a certificate of qualification as a teacher may be awarded only to a British subject of good moral character and physically fit to perform the duties of a teacher, who passes the examinations prescribed by, and otherwise complies with, the regulations.

Idem (3) All certificates are valid for such periods as the regulations prescribe. R.S.O. 1970, c. 424, s. 18.

Use of unapproved text-books **19.**—(1) A teacher shall not use or permit to be used as a text-book in a prescribed subject in an elementary or secondary school any book that is not approved by the Minister or the regulations, and the Minister, upon the report of the supervisory officer concerned, may withhold the whole or any part of the legislative grants in respect of any school in which an unapproved book is so used.

Idem (2) Where a teacher uses as a text-book, or negligently or wilfully permits to be used as a text-book by the pupils of his school, in a prescribed subject, a book that is not approved by the Minister or the regulations, the Minister, on the report of the supervisory officer of the school, may suspend the teacher and the board that operates the school may deduct from the teacher's salary a sum equal to so much of the legislative grants as has been withheld on account of the use of the book or any less sum at its discretion.

Change of text-book (3) Subject to the written approval of the board that operates the school, a teacher may replace any approved text-book that is in actual use in an elementary or secondary school by any other approved text-book on the same subject. R.S.O. 1970, c. 424, s. 19.

Refusal to give up school property **20.** A teacher who refuses, on demand or order of the board that operates the school concerned, to deliver to the board any visitors' book, school register, schoolhouse key or any other school property in his possession is not a qualified teacher until restitution is made and he also forfeits any claim that he may have against the board. R.S.O. 1970, c. 424, s. 20.

Duties of teacher teach **21.**—(1) It is the duty of a teacher,
 learning (a) to teach diligently and faithfully the subjects in the course of study as prescribed by the regulations;
 religion and morals (b) to encourage the pupils in the pursuit of learning;
 (c) to inculcate by precept and example respect for religion and the principles of Christian morality and the highest regard for truth, justice, loyalty, love of country, hu-

manity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

- (d) to maintain proper order and discipline in his classroom and while on duty in the school and on the playground under the direction of the principal; discipline
- (e) in instruction and in all communications with the pupils in regard to discipline and the management of the school, language of instruction
 - (i) to use the English language, except where it is impractical to do so by reason of the pupil not understanding English, and except in respect of instruction in a language other than English when such other language is being taught as one of the subjects in the course of study, or
 - (ii) to use the French language in schools or classes in which French is the language of instruction except where it is impractical to do so by reason of the pupil not understanding French, and except in respect of instruction in a language other than French when such other language is being taught as one of the subjects in the course of study;
- (f) to see that the classroom is ready for the reception of pupils at least fifteen minutes before the time of opening in the morning and five minutes before the time of opening in the afternoon; classroom ready
- (g) to conduct his class in accordance with a timetable which shall be accessible to pupils and to the principal and supervisory officer; timetable
- (h) to attend regularly the teachers' institute of which he is a member; teachers' institute
- (i) to notify the board and the supervisory officer of his absence from school and the reason therefor; and absence from duty
- (j) to deliver the register, the schoolhouse key and other school property in his possession to the board on demand, or when his agreement with the board has expired, or when for any reason his engagement has ceased. school property

- (2) It is the duty of a principal, in addition to his duties as a teacher, Duties of principal:
- (a) to maintain proper order and discipline in the school; discipline
 - (b) to register the pupils, classify them according to the courses of study prescribed, and record their progress through school; classify pupils
 - (c) to ensure that the attendance of pupils for every school day is recorded in the register supplied by the Minister attendance records

	in accordance with the instructions contained therein or in such other manner as is approved by the Minister;
timetable	(d) to prepare and conduct the school according to a timetable which shall be accessible to pupils, teachers and the supervisory officers;
examinations and reports	(e) to hold such examinations as may be required by the inspector for the promotion of pupils or for any other purpose as the supervisory officer may direct and report the progress of the pupil to his parent or guardian at least for each school term;
promote pupils	(f) subject to revision by the supervisory officer, to make at the end of each school term such promotions from one grade to another as he considers expedient;
unauthorized texts	(g) to prevent the use by pupils of text-books that are not approved under the regulations;
reports	(h) to furnish to the Minister and to the supervisory officer any information that it may be in his power to give respecting the condition of the school premises, the discipline of the school, the progress of the pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the regulations;
care of pupils and property	(i) to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature and ventilation of the schoolhouse, to the care of all maps, apparatus and other school property, to the preservation of shade trees and the orderly arrangement and neat appearance of the playgrounds;
report to M.O.H.	(j) to report promptly to the board and to the municipal health officer or to the school medical officer where one has been appointed, when he has reason to suspect the existence of any infectious or contagious disease in the school, or the unsanitary condition of the schoolhouse, outhouses or surroundings;
pupils with communicable diseases	(k) to refuse admission to the school of any pupil who he believes is infected with or exposed to communicable diseases requiring quarantine and placarding under regulations made pursuant to <i>The Public Health Act</i> until furnished with a certificate of a medical officer of health or of a duly qualified medical practitioner approved by him that all danger from exposure to contact with such pupil has passed;
R.S.O. 1970, c. 377	
suspend a pupil	(l) to suspend any pupil guilty of persistent truancy, or persistent opposition to authority, habitual neglect of duty, the use of profane or improper language, or conduct injurious to the moral tone of the school, and to

notify the parent or guardian of the pupil and the board and the supervisory officer of the suspension, but the parent or guardian of any pupil suspended may appeal against the action of the principal to the board which has power to remove, confirm or modify the suspension; and

- (m) to keep a visitors book and make it available for visitors to sign. R.S.O. 1970, c. 424, s. 21. visitors
book

22. Subject to the regulations, teachers may organize themselves into teachers' institutes for the purpose of receiving instruction in methods of teaching and for discussing educational methods. R.S.O. 1970, c. 424, s. 22. Organiza-
tion of
teachers'
institutes

PART III

SCHOOL TRUSTEES' AND TEACHERS' BOARDS OF REFERENCE

23. In this Part,

- (a) "contract" means a contract of employment between a teacher and a board in accordance with Part II and the regulations;
- (b) "employed" means engaged as a permanent teacher by a board;
- (c) "judge" means a judge of a county or district court;
- (d) "teacher" means a person qualified to teach in an elementary or secondary school, and employed as a permanent teacher by a board, in accordance with Part II and the regulations. R.S.O. 1970, c. 424, s. 23. Interpre-
tation

24.—(1) The dismissal of a teacher, or the termination of the contract of a teacher, by a board shall be by notice in writing, which shall state the reasons therefor, in accordance with the terms of the contract. Termination
of employ-
ment, by
school board

(2) Where a teacher is employed by a board, the termination of such employment by the teacher shall be by notice in writing in accordance with the terms of the contract. by teacher

(3) Notwithstanding anything in this or any other Act, where a teacher is dismissed or the engagement of a teacher is terminated by the board or teacher, the teacher or board if not in agreement with the dismissal or termination may at any time within fifteen days after receiving the notice referred to in subsection 1 or 2, as the case may be, apply in writing by registered letter to the Minister for a Board of Reference, stating the disagreement. Application
for board

Service of
notice

(4) The applicant shall send a copy of the application by registered mail to the other party to the disagreement on the same day as the application is sent to the Minister. R.S.O. 1970, c. 424, s. 24.

Appoint-
ment in
place of
teacher
dismissed

25.—(1) A board shall not make a permanent appointment to take the place of a teacher who is dismissed or whose appointment has been terminated in a manner not agreeable to the teacher until,

- (a) the time prescribed for applying for a Board of Reference has elapsed and the teacher has not applied for a Board of Reference and sent a copy of the application to the board, as provided in section 24;
- (b) the board has received from the teacher notice in writing that no application will be made under section 24;
- (c) the board has received from the Minister notice in writing that an application made by the teacher under section 24 has been withdrawn;
- (d) the board has received from the Minister notice in writing that he has refused an application made by the teacher under section 24;
- (e) the board has received from the Minister notice in writing that the teacher, being the applicant, has failed to comply with the requirements of subsection 3 of section 26; or
- (f) the board has received from the Minister a direction under section 29 directing the discontinuance of the contract,

whichever first occurs.

Contract
after ter-
mination of
engagement
of teacher

(2) A teacher who terminates an engagement in a manner not agreeable to the board shall not enter into a contract of employment with another board after the teacher has received notice of the application of the school board for a Board of Reference until,

- (a) the teacher has received from the Minister notice in writing that an application made by the board under section 24 has been withdrawn;
- (b) the teacher has received from the Minister notice in writing that he has refused an application made by the board under section 24;
- (c) the teacher has received from the Minister notice in writing that the board, being the applicant, has failed to comply with the requirements of subsection 3 of section 26; or
- (d) the teacher has received from the Minister a direction

under section 29 directing the discontinuance of the contract,

whichever first occurs. R.S.O. 1970, c. 424, s. 25.

26.—(1) Upon receipt of an application for a Board of Reference, the Minister shall send notice of the application by registered mail to the other party to the disagreement and shall within thirty days thereof inquire into the disagreement and shall, within the same time,

Application
for Board
of Reference

- (a) refuse to grant the Board of Reference; or
- (b) grant the Board of Reference and direct a judge to act as chairman thereof. R.S.O. 1970, c. 424, s. 26 (1).

(1a) Where, under subsection 1, a judge is directed after the expiry of the thirty days referred to therein to act as chairman of a Board of Reference, the failure to make the direction within the thirty day period does not invalidate the Board of Reference or the appointment of the judge as chairman thereof, provided the Board of Reference is granted in accordance with subsection 1. 1971, c. 90, s. 4.

Direction
to judge

(2) Before directing a judge to act as chairman of a Board of Reference, the Minister may require the applicant to furnish security for costs in such amount and in such form as he considers advisable.

Security
for costs

(3) Upon directing a judge to act as chairman of a Board of Reference, the Minister shall cause notice thereof to be sent by registered mail to the board and teacher involved in the disagreement and the notice shall require each of them to name to the Board of Reference a representative who is not the teacher involved or a member of the board and to send by registered mail to the Minister a notice of such nomination within twelve days of the sending of the notice by the Minister.

Naming of
repre-
sentatives

(4) If the applicant fails to comply with the requirements of subsection 3, the application shall be deemed to be abandoned and the Minister shall cause notice thereof to be sent by registered mail to the other party to the disagreement.

Failure to
name repre-
sentatives

(5) If the respondent fails to comply with the requirements of subsection 3, the Minister shall direct the continuance of the contract.

Idem

(6) If the representative of the board or the teacher, having been named, fails to appear at the hearing, the chairman of the Board of Reference shall name a representative for the board or teacher, as the case may be. R.S.O. 1970, c. 424, s. 26 (2-6).

Failure of
representa-
tives to
appear

27. The chairman of the Board of Reference shall, within thirty days of his appointment, and upon reasonable notice

Place and
time of
hearing

thereof to the parties, convene the Board of Reference in any appropriate and convenient court house or municipal or school building and at such time as he may appoint. R.S.O. 1970, c. 424, s. 27.

Duty to
inquire
and powers
of judge
R.S.O. 1970,
c. 379

28.—(1) The Board of Reference shall inquire into the matter in dispute and for such purpose the chairman has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Meetings
in camera

(2) The meetings of the Board of Reference shall be held *in camera*. R.S.O. 1970, c. 424, s. 28.

Board of
Reference
to report

29.—(1) Upon the completion of the hearing, the Board of Reference shall report to the Minister within seven days and direct the continuance of the contract or the discontinuance thereof, and may also make such recommendations as it considers advisable.

Notice of
direction

(2) The Minister shall cause a copy of the direction of the Board of Reference and of its report, including recommendations, if any, to be sent by registered mail to the board and the teacher within seven days of the receipt of the report, and shall direct the implementation of the direction of the Board of Reference. R.S.O. 1970, c. 424, s. 29.

Direction
of Board

30.—(1) The direction of the Board of Reference under section 29 is binding upon the board and the teacher.

Failure to
comply with
direction
of Board

(2) If a board fails to comply with the direction of the Board of Reference under section 29, any amounts then or thereafter payable to the board under the authority of any Act of the Legislature shall not be paid to the board until it has complied with the direction.

Idem

(3) If a teacher fails to comply with the direction of the Board of Reference under section 29, the Minister shall suspend the certificate of qualification of the teacher for such period as he considers advisable. R.S.O. 1970, c. 424, s. 30.

Payment
of costs

31. Subject to the regulations made under section 32, the chairman of the Board of Reference shall determine and direct the costs to be paid by either or both parties in the disagreement, and every such order may be enforced in the same manner as an order as to costs made in an action in a county or district court. R.S.O. 1970, c. 424, s. 31.

Regulations

32. The Lieutenant Governor in Council may make regulations,

(a) fixing the remuneration of members of Boards of Reference and defining, prescribing and limiting other items

of expense, including travelling and living expenses, which shall be included in the costs of a Board of Reference;

- (b) regulating the practice and procedure to be followed upon any reference; and
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.
- R.S.O. 1970, c. 424, s. 32.

PART IV

BOARDS AND TRUSTEES

33. Every board shall,

- | | |
|--|--------------------------------------|
| 1. ensure that every school under its charge is conducted in accordance with this Act, the Act under which it is operated, and the regulations; | Duties of boards:
conduct schools |
| 2. appoint a secretary and a treasurer or a secretary-treasurer, who, in the case of a rural elementary school board, may be a member of the board; | appoint secretary, treasurer |
| 3. fix the times and places for the meetings of the board and the mode of calling and conducting them, and ensure that a full and correct account of the proceedings thereat is kept; | meetings |
| 4. transmit to the Minister all reports and returns required by the regulations; | reports |
| 5. provide adequate accommodation during each school year for the children who have a right to attend a school under the jurisdiction of the board; | provide accommodation |
| 6. make provision for insuring adequately the school buildings and equipment; | insure buildings |
| 7. take proper security from the treasurer or secretary-treasurer; | security of treasurer |
| 8. keep the school buildings, fences and premises in proper repair and in a proper sanitary condition, provide suitable furniture and equipment and keep it in proper repair, and protect the property of the board; | repair property |
| 9. erect and maintain any wall or fence considered necessary by the board for enclosure of the school premises; | erect fences |
| 10. appoint for each school that it operates a principal and an adequate number of teachers all of whom shall be qualified according to the Acts and regulations administered by the Minister; | appoint principal and teachers |

provide
text-books

11. provide, without charge, for the use of the pupils attending the school or schools operated by the board, the text-books that are required by the regulations to be purchased by the board. R.S.O. 1970, c. 424, s. 33.

Powers of
boards:
committees

34. A board may,

1. appoint such committees as it considers expedient;
2. subject to Part III, appoint and remove such teachers, officers and servants as it considers expedient, determine the terms on which they are to be employed, and fix their salaries and prescribe their duties;

psychiatrist
or
psychologist

3. appoint a psychiatrist who is on the register of specialists in psychiatry of the Royal College of Physicians and Surgeons of Canada or of the College of Physicians and Surgeons of Ontario or a psychologist who is a legally qualified medical practitioner or holds a certificate of registration under *The Psychologists Registration Act*, who shall perform his duties in accordance with this Act and the regulations;

R.S.O. 1970,
c. 372

dismiss
secretary or
treasurer

4. dismiss the secretary or treasurer at any time, and thereupon shall make a new appointment to fill the vacancy;

attendance
areas

5. determine the number, kind, grade, description and territorial boundaries of schools to be established and maintained;

sites

6. acquire or rent school sites;

build
schools

7. build school buildings on property owned by the board within its jurisdiction;

playgrounds,
parks,
rinks

8. operate the playground as a park or playground and rink during the school term or in vacation or both, and provide and maintain such equipment as it considers advisable, and provide such supervision as it considers proper, provided the proper conduct of the school is not interfered with;

gymnasiums

9. organize and carry on gymnasium classes in school buildings for pupils or others during the school term or in vacation or both, and provide supervision and training for such classes, provided the proper conduct of the school is not interfered with;

milk

10. purchase milk to be consumed by the pupils in the schools under the jurisdiction of the board during school days in accordance with the terms and conditions prescribed by the regulations;

11. provide school supplies, other than the text-books that it is required to provide under paragraph 11 of section 33, for the use of pupils and collect from their parents or guardians a sum not exceeding 50 cents per pupil for each month of the school year to assist in defraying the cost thereof; provision of supplies, etc.
12. procure registers, maps, globes, apparatus and prize books, and establish and maintain school libraries, equipment and school libraries
13. provide books, stationery and other materials necessary in connection with the establishment and maintenance of any system introduced for the encouragement of thrift and the habit of saving; provide system for pupil savings
14. provide and pay for such medical and dental inspection of the pupils as the regulations may prescribe, or in the absence of regulations as the board considers proper, but only where provision for such medical and dental inspection was inaugurated by the board before the 31st day of July, 1924, in the case of an elementary school board and before the 31st day of December, 1941, in the case of a secondary school board; medical and dental inspection
15. pay the travelling expenses and membership fees of any member of the board or of any teacher or officer of the board, incurred in attending meetings of the Ontario Educational Association or other similar association of teachers or trustees and may make grants and pay membership fees to any such association; trustees' fees and travelling expenses
16. pay the costs, or any part thereof, incurred by any member of the board or by any teacher, officer or other employee of the board in successfully defending any legal proceeding brought against him, legal costs
 - i. for libel or slander in respect of any statements relating to the employment, suspension or dismissal of any person by the board published at a meeting of the board or of a committee thereof, or
 - ii. for assault in respect of disciplinary action taken in the course of duty;
17. invest funds received from an insurance claim, gift, legacy or sale of property in such securities as a trustee may invest in under *The Trustee Act*; invest funds
R.S.O. 1970,
c. 470
18. invest moneys not required immediately by the board in bonds, debentures or other evidences of indebtedness of, or guaranteed by, the Government of Canada or the Province of Ontario, in term deposits with any chartered bank or in term deposits with, or guaranteed investment certificates or debentures of, any trust idem

R.S.O. 1970,
c. 254

company or loan corporation that is registered under *The Loan and Trust Corporations Act*, or lend such moneys to any municipality by way of promissory note of the municipality, provided that the bonds, debentures or other evidences of indebtedness, term deposits, guaranteed investment certificates or promissory notes, become due and payable before the moneys invested therein are required by the board, and all interest thereon shall be credited to the fund from which the moneys are invested;

accident
insurance

19. make provision for insuring the board, its employees or any group thereof, against claims in respect of accidents incurred by pupils while under the jurisdiction or supervision of the board;

supervisors

20. appoint supervisors of the teaching staff for positions that are provided for in any Act or regulation administered by the Minister and every appointee shall hold the qualifications and perform the duties required in the Act or regulations;

student
fees

21. subject to the provisions of this Act and the Act under which the school is operated, fix the fees to be paid by or on behalf of pupils, and the times of payment thereof, and when necessary enforce payment thereof by action in the small claims court, and exclude any pupil by or on behalf of whom fees that are legally required to be paid are not paid after reasonable notice;

order
payment
of bills

22. give the necessary orders on the treasurer for payment of all moneys expended for school purposes and of such other expenses for promoting the interests of the schools under the jurisdiction of the board as may be authorized by this Act or the Act under which the board is established or the regulations and by the board;

permit
use of
school and
school
buses

23. permit the school buildings and premises and school buses owned by the board to be used for any educational or other lawful purposes that it considers proper, provided the proper conduct of the school is not interfered with;

expel
pupils

24. expel, on the report of the principal, any pupil whose conduct is deemed to be so refractory that his presence in school is injurious to other pupils;

cadet
corps

25. establish and maintain cadet corps and classes in military instruction and provide uniforms for such purposes;

athletics

26. provide for the promotion and encouragement of athletics and for the holding of school games;

27. provide, during the school year or at other times, activities
activities and programs on or off school premises,
including field trips, and exercise jurisdiction over those
persons participating therein;
28. appoint one or more teachers qualified in guidance
according to the regulations to collect and distribute
information regarding available occupations and em-
ployments, and to offer such counsel to the pupils as will
enable them to plan intelligently for their educational
and vocational advancement;
29. subject to the regulations, establish, conduct and main-
tain free lectures open to the public and include in the
estimates for the current year the expense thereof;
30. establish summer schools in subjects of the course of
study;
31. establish and conduct during the school year courses for
teachers;
32. establish evening classes;
33. authorize and exercise jurisdiction over such other
school activities as pertain to the welfare of the pupils;
34. provide or pay for board and lodging for a pupil for a
period not exceeding two weeks in any year while he
participates, with the consent of his parent or guardian
and with the permission of the board, in a natural
science, conservation or other out-of-classroom pro-
grams;
35. operate a cafeteria for the use of the staff and students;
36. provide, by contract with an insurer licensed under *The
Insurance Act*,
 - i. group accident insurance to indemnify a member of
a board or of an advisory committee appointed by a
board or his estate against loss in case he is
accidentally killed or injured, and
 - ii. group public liability and property damage insur-
ance to indemnify a member of a board or of an
advisory committee appointed by a board or his
estate in respect of loss or damage for which he has
become liable by reason of injury to persons or
property or in respect of loss or damage suffered by
him by reason of injury to his own property,

while travelling on the business of the board or in the
performance of his duties as a member of the board or of
an advisory committee either within or outside the area
over which the board has jurisdiction;

activities

public
lecturessummer
schoolswinter
coursesevening
classesstudent
activitiesboard for
courses in
conservation

cafeteria

accident,
etc.,
insurance
R.S.O. 1970,
c. 224

destruction
of
documents

37. upon obtaining the written approval of the licensed municipal auditor of the board, authorize the destruction of receipts, vouchers, instruments, rolls, documents, records and papers that are at least seven years old as of the 1st day of January of the current year, except school registers, records of pupils' standings, minute books, annual financial reports, cash books, journals, ledgers, debenture registers, assessment rolls, tax collector's rolls, deeds, plans of buildings and other documents that the board considers of permanent value or historical interest;

children in
charitable
organiza-
tions

38. employ and pay teachers, when so requested in writing by a charitable organization having the charge of children of school age, for the education of such children, whether such children are being educated in premises within or beyond the limits of the jurisdiction of the board, and pay for and furnish school supplies for their use, and any children being so educated are subject to this Act, *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* and the regulations;

R.S.O. 1970,
cc. 385, 430
425

accident
and public
liability
insurance
re work-
experience
programs

39. where, in co-operation with business and industry, it provides for pupils' training programs designed to supplement the courses given in its schools, provide, by contract with an insurer under *The Insurance Act*, accident insurance to indemnify such pupils against loss in case they are accidentally injured while participating in such a program and public liability insurance to insure such pupils and the board against loss or damage to the person or property of others while the pupils are participating in such a program;

maternity
leave

40. provide for maternity leave for a teacher, not exceeding two years for each pregnancy, and specify when such leave shall be taken;

insurance
for pupils
R.S.O. 1970,
c. 224

41. provide, by contract with an insurer under *The Insurance Act*, accident and life insurance for pupils, the cost of which is to be paid on a voluntary basis by the parents or guardians;

special
education
programs

42. subject to the approval of the Minister, establish, as provided by the regulations, special education programs to provide special education services for children who require such services;

assumption
of treatment
centres, etc.

43. when requested by the board of a cerebral palsy treatment centre school, a crippled children's treatment centre school, a hospital school or a sanatorium school, and with the approval of the Minister, by agreement,

assume the assets and liabilities of such board and continue to operate such a school, and, upon the effective date of the agreement between the two boards, the board making the request is dissolved;

44. enter into an agreement with the council of a municipality, including a regional municipality or a county, or a local board thereof except a school board, in respect of the joint use of educational and municipal facilities; agreements for joint use of facilities
45. where a recreation committee or a joint recreation committee has been appointed for territory without municipal organization within the jurisdiction of the board, exercise the powers and duties of a municipal council with respect to preparing estimates of the sums required during the year for the purposes of the committee or joint committee, and levying rates and collecting taxes for such purposes on the rateable property supporting the board in such territory, and where such a joint recreation committee has been appointed, apportion the costs of such committee by agreement with the other board concerned. R.S.O. 1970, c. 424, s. 34; 1971, c. 90, s. 5. recreation committees

35. In addition to any other remedy possessed by a board in territory without municipal organization for the recovery of rates imposed under the authority of *The Public Schools Act*, *The Separate Schools Act* or *The Secondary Schools and Boards of Education Act*, the board, with the approval in writing of the appropriate supervisory officer, may bring an action in a court of competent jurisdiction for the recovery of any rates in arrear against the person assessed therefor. R.S.O. 1970, c. 424, s. 35. Collection of rates in territory without municipal organization by action R.S.O. 1970, cc. 385, 430, 425

36. A public school board or a secondary school board may enter into an agreement with any other board to provide for the other board, Agreements to provide administrative accommodation or sharing of teachers, etc.

- (a) accommodation for administrative purposes; or
- (b) the services of a psychiatrist, psychologist or teacher. R.S.O. 1970, c. 424, s. 36.

37.—(1) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide accommodation and tuition for the maximum number of Indian pupils agreed upon, and the fees therefor shall be as provided in section 72. R.S.O. 1970, c. 424, s. 37 (1); 1971, c. 90, s. 6 (1). Agreements re accommodation for Indian pupils

(2) A board may enter into an agreement with the Crown in right of Canada for a period specified in the agreement to provide Idem

for a payment from the Crown in right of Canada to provide additional classroom accommodation and to provide tuition for a maximum of thirty-five Indian pupils for each additional classroom so provided, and the fees therefor shall be as provided in section 72, but exclusive of expenditures for the erection of school buildings for instructional purposes and additions thereto. R.S.O. 1970, c. 424, s. 37 (2); 1971, c. 90, s. 6 (2).

Appointed
representative
of
Indian pupils

(3) Where a board has entered into an agreement under this section, the board, on the recommendation of the council of the Indian band concerned, may appoint as a member of the board such person as it considers proper to represent the interests of the Indian pupils served by the board, and the person so appointed has all the powers and duties of a member of the board as though he were eligible and duly elected as a member of the board. R.S.O. 1970, c. 424, s. 37 (3).

Agreements
re pupils
in federal
establish-
ments

38. A board may enter into an agreement with the Crown in right of Canada for such periods and under such conditions as are specified in the agreement whereby the board may provide for the education of pupils who reside on land held by the Crown in right of Canada in a school or schools operated by the board on land owned by the board or by the Crown in right of Canada. R.S.O. 1970, c. 424, s. 38.

French-
language
elementary
schools and
classes

39.—(1) A divisional board of education, public school board or separate school board may establish and maintain elementary schools or classes in elementary schools, including kindergarten classes, for the purpose of providing for the use of the French language in instruction of French-speaking pupils.

Request by
parents for
French-
language
school or
classes

(2) Where ten or more French-speaking ratepayers of a school division, school section or separate school zone apply in writing to the board thereof for the use of the French language in instruction of French-speaking pupils, and,

- (a) the parents or guardians of thirty or more French-speaking pupils in the primary, junior or intermediate division elect to have such pupils taught in the French language, and such pupils can be assembled for this purpose in a class or classes as part of a school, the board shall provide for the use of the French language in instruction in such class or classes; and
- (b) in the opinion of the board the number of such French-speaking pupils so warrants, the board shall provide for the use of the French language in instruction in a French-language elementary school.

Request by
parents for
English-
language
school or
classes

(3) Where French is the language of instruction in a public or separate school and ten or more English-speaking ratepayers of the school division, school section or separate school zone apply in

writing to the board thereof for the use of the English language in instruction of English-speaking pupils, and,

- (a) the parents or guardians of thirty or more English-speaking pupils in the primary, junior or intermediate division elect to have such pupils taught in the English language, and such pupils can be assembled for this purpose in a class or classes as part of a school, the board shall provide for the use of the English language in instruction in such class or classes; and
- (b) in the opinion of the board the number of such English-speaking pupils so warrants, the board shall provide for the use of the English language in instruction in an English-language elementary school.

(4) Notwithstanding subsections 1 and 2, English may be a subject of instruction in any grade and in any case shall be a subject of instruction in Grades 5, 6, 7 and 8.

English
subject of
instruction

(5) On the request of a parent or guardian of a pupil, a board may admit such pupils to classes formed by it under subsection 1 or 2 if such pupil has a right to attend a school operated by the board and the principal is satisfied that the attendance of such pupil will not delay the progress of the French-speaking pupils. R.S.O. 1970, c. 424, s. 39.

Admission
of pupils
other than
French-
speaking
pupils

40.—(1) A board may pay to each trustee, except members of a board of education who are not entitled to vote on a motion that affects public schools exclusively, for each month an honorarium not exceeding an amount based on the enrolment on the 30th day of September in the preceding year in all the schools which, on the 1st day of January of the current year, are operated by the board, as follows:

Honorarium
for trustees

Enrolment	Maximum Monthly Honorarium
Fewer than 100.....	\$ 10
100 or more but fewer than 500.....	25
500 " " " " " 2,000.....	50
2,000 " " " " " 5,000.....	100
5,000 " " " " " 15,000.....	150
15,000 " " " " " 30,000.....	200
30,000 " " " " " 60,000.....	250
60,000 or more.....	300

(2) A board of education may pay to each trustee who is not entitled to vote on a motion that affects public schools exclusively, an honorarium for each month not exceeding the amount provided in subsection 1 based on the enrolment on the 30th day of September in the preceding year in all secondary schools which, on the 1st day of January of the current year, are operated by the board.

Trustees for
secondary
school
purposes
only

(3) A board may pay to its chairman, in addition to any honorarium that may be paid to him as trustee, an additional

Chairman,
additional
honorarium

honorarium not exceeding one-third of the honorarium that may be paid to him as trustee.

Members of
advisory
vocational
committees

(4) A board of education may pay to each member of an advisory vocational committee who is not a trustee, an honorarium for each month not exceeding one-half of the amount provided in subsection 1 based on the enrolment on the 30th day of September in the preceding year in all secondary schools which, on the 1st day of January of the current year, are operated by the board.

Mileage
allowance
for board
meetings

(5) A board with more than three trustees may pay to a trustee an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend a meeting of the board or a committee of the board that is held within the boundaries of its jurisdiction.

Expenses for
authorized
travel on
board
business

(6) A board may authorize a trustee, teacher or official of the board to travel on designated business of the board, and may reimburse the trustee, teacher or official for his actual expenses incurred on business of the board, or such lesser amount as may be determined by the board.

Deduction
because of
absence

(7) A board may provide for a deduction of a reasonable amount from the honorarium of a trustee because of absence from regular or committee meetings of the board.

Advisory
committee
members

(8) Subsections 5, 6 and 7 apply *mutatis mutandis* to members of,

- (a) an advisory vocational committee;
- (b) an advisory committee on schools for trainable retarded children; and
- (c) a French-language committee for secondary school purposes,

who are not members of the board. R.S.O. 1970, c. 424, s. 40.

Business
adminis-
trator

41.—(1) Where the board determines that at least one person should be employed full time to carry out the duties of a secretary or treasurer, it may appoint a business administrator.

Duties

(2) A board may assign any of the duties of the secretary, treasurer and supervisor of maintenance of school buildings to a business administrator.

Status

(3) Where a board appoints more than one business administrator, it may designate two or more with equal status or may designate one or more as assistant business administrators. R.S.O. 1970, c. 424, s. 41.

Transporta-
tion of
pupils

42.—(1) A board may provide for a resident pupil, or for a person who is qualified to be a resident pupil, transportation to and from,

- (a) a school that the board operates;
- (b) a school operated by another board to which the board pays fees in respect of such pupil;
- (c) the Ontario School for the Blind;
- (d) an Ontario School for the Deaf;
- (e) an Ontario Hospital School; and
- (f) a children's mental health centre established under *The Children's Mental Health Centres Act*, 1971, c. 90, s. 7 (1). R.S.O. 1970, c. 68

(2) An elementary school board may provide transportation to a secondary school for pupils whose parents or guardians are supporters of the elementary school and who do not reside in a secondary school district. Elementary to secondary

(3) A public school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, to a school that the board operates, to a school operated by another public school board or to a secondary school. Pupils in unorganized territory

(4) A separate school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a separate school zone or a school section, to a school that the board operates, to a school operated by another separate school board or to a secondary school. Idem R.S.O. 1970, c. 424, s. 42 (2-4).

(4a) A secondary school board may furnish transportation for pupils who reside in territory without municipal organization, but not in a school section, a separate school zone or a secondary school district, to a secondary school operated by the board. Idem 1971, c. 90, s. 7 (2).

(5) For the purposes of this section, a board may purchase a vehicle either from current revenue or from a debenture issued for that purpose. Purchase of bus

(6) For the purposes of this section, a board may make an agreement or agreements for one school year or less with a corporation, commission or person for the transportation of such pupils. Agreements

(7) Where a board provides transportation for more than thirty pupils, the board may, with the approval of the Ontario Municipal Board, make an agreement for a term not exceeding five years. Agreements not exceeding five years

(8) Where a pupil resides in a school section or separate school zone in a territorial district but not in a school division with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, an Boarding of secondary school pupils residing in territorial district

elementary school board may, in lieu of providing daily transportation to and from school under subsection 2, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem (9) Where a pupil resides in a territorial district but not in a school section, a separate school zone or a school division, with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school that he is eligible to attend, the board of the secondary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Idem (10) Where a pupil resides with his parent or guardian in a school division in a residence that,

- (a) in a territorial district is fifteen miles or more; or
- (b) in a county is thirty miles or more,

R.S.O. 1970,
c. 425

by road or rail from a secondary school that he attends under section 6 or 60 or that he has a right to attend under section 62 or 43 of *The Secondary Schools and Boards of Education Act*, or where a pupil resides with his parent or guardian on an island in a school division, the board of the school division of which he is a resident pupil may, in lieu of providing daily transportation to and from the secondary school that he attends, reimburse the parent or guardian at the end of each month for the cost of providing for such pupil board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

Boarding
and trans-
portation of
secondary
school
pupils in a
territorial
district
taking
"français"
subject

(11) Where a secondary school pupil resides in a territorial district in a school division with his parent or guardian in a residence that is fifteen miles or more by road or rail from a secondary school in which the subject of French, taught as a subject for students who normally speak the French language, is offered as one of the subjects of the courses of study, an elementary school board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, when not so provided by the secondary school board, board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends, or may furnish transportation for such pupil in lieu thereof.

(12) Where a pupil resides in a territorial district but not in a school section or a separate school zone, with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer of the elementary school nearest such residence, the board of the elementary school that he attends may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Boarding of elementary school pupils residing in territorial district

(13) Where a pupil resides in a school section or a separate school zone with his parent or guardian in a residence from which daily transportation to and from an elementary school that he may attend is impracticable due to distance or terrain, as certified by the supervisory officer who has jurisdiction in the school section or the separate school zone, the board of the elementary school of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the elementary school that the pupil attends.

Boarding of elementary school pupils where transportation impracticable

(14) For the purpose of certifying attendance under subsections 8 to 13, the principal may add to the number of days of attendance of a pupil the number of days the pupil is absent by reason of being sick or is absent for any other cause if the principal is of the opinion that the absence was unavoidable. R.S.O. 1970, c. 424, s. 42 (5-14).

Certification of attendance

43.—(1) A board, by resolution, may provide pensions for employees or any class thereof by contract either with Her Majesty in accordance with the *Government Annuities Act* (Canada) or with an insurer licensed under *The Insurance Act* or with both Her Majesty and such an insurer in the manner and subject to the conditions set out in paragraph 64 of section 352 of *The Municipal Act* and the provisions of the said paragraph 64 apply *mutatis mutandis*.

Pensions

R.S.C. 1952, c. 132

R.S.O. 1970, cc. 224, 284

(2) In this section, "employee" does not include a teacher or supervisory officer or an administrative officer who holds a certificate of qualification as a teacher and who is eligible to contribute to the Teachers' Superannuation Fund.

Interpretation

(3) An employee of a divisional board of education who was a contributor or who was entitled to be a contributor under *The Ontario Municipal Employees Retirement System Act*, by reason of his employment with a former board on the 31st day of December, 1968, shall continue to be a contributor or to be entitled to be a

Application of R.S.O. 1970, c. 324, to employees of newly organized board

contributor, as the case may be, and the divisional board shall assume in respect of such employee all the rights and obligations of the former board, but in respect of other employees, the divisional board, before such employees may participate under such Act, shall pass a resolution electing to become a participant under such Act, as required by the regulations made thereunder, and stating the effective date.

Assumption
by board of
rights and
obligations
of former
board

(4) A divisional board of education that is required to make the contribution of a former board to an approved pension plan, as defined in section 250 of *The Municipal Act*, in respect of an employee who was a contributor to such approved pension plan on the 31st day of December, 1968, shall assume all the rights and obligations of such former board under the approved pension plan in respect of such employee. R.S.O. 1970, c. 424, s. 43.

Sick leave
credits

44.—(1) A board, by resolution, may establish a system of sick leave credit gratuities for employees or any class thereof provided that on the termination of his employment no employee is entitled to more than an amount equal to his salary, wages or other remuneration for one-half the number of days standing to his credit and in any event not in excess of the amount of one-half year's earnings at the rate received by him immediately prior to termination of employment.

Allowing
of credits
on transfer
of employ-
ment

(2) Where an employee of a board that has established a sick leave credit plan under this or any other general or special Act becomes an employee of another board that has also established a sick leave credit plan under this or any other general or special Act, the latter board shall, subject to the limitation in subsection 4, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of the first-mentioned board.

Idem
R.S.O. 1970,
c. 118

(3) Where an employee of a municipality or a local board as defined in *The Department of Municipal Affairs Act*, except a school board, that has established a sick leave credit plan under any general or special Act becomes an employee of a board that has established a sick leave credit plan under this or any other general or special Act, the board shall, subject to the limitation in subsection 4, place to the credit of the employee the sick leave credits standing to the credit of the employee in the plan of such municipality or local board.

Limitation

(4) The amount of sick leave credits placed to the credit of an employee under subsection 2 or 3 shall not exceed the amount of cumulative sick leave credits permitted under the plan to which the credits are placed.

Application
of subs. 2, 3,
where
intervening
employment

(5) Subsections 2 and 3 apply only where the transfer of employment from a school board to another school board or from a municipality or a local board to a school board is made without

intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

(6) Notwithstanding subsection 5, intervening employment with the Department of Education does not preclude the application of subsections 2 and 3. R.S.O. 1970, c. 424, s. 44. Exception

45.—(1) A board may grant an annual retirement allowance, payable weekly, monthly or otherwise for such period as the board may determine, to any employee of the board who has been in the service of the board for at least twenty years and who, Retirement allowances

- (a) is retired because of age; or
- (b) while in the service has become incapable through illness or otherwise of efficiently discharging his duties,

provided that no retirement allowance shall be granted under this section which, together with the amount of any pension payments payable to the employee in any year under a pension plan of the board or any municipality or under *The Teachers' Superannuation Act*, will exceed three-fifths of his average annual salary for the preceding three years of his service. R.S.O. 1970, c. 455

- (2) Where an employee, Widow or widower
 - (a) has been granted an annual retirement allowance under subsection 1 and subsequently dies; or
 - (b) would have been eligible, except for his death, for such an allowance,

the board may grant to the widow or widower of such employee for such period as the board may determine an annual allowance, not exceeding one-half of the maximum allowance that may be granted under subsection 1.

(3) In subsection 1, "pension payments" means, in the case of pension payments under a board or municipal plan, only such payments that result from joint contributions of the employer and employee and does not include any such payments that result solely from contributions of the employee. Interpretation

(4) Where the board has a pension plan in operation, or where a municipality has a pension plan in operation in which the employees of the board are included, this section applies only to employees who are in the employ of the board on or before the 1st day of July, 1954, and in any event does not apply to any employee who enters the service of the board after the 1st day of July, 1956. R.S.O. 1970, c. 424, s. 45. Limitation on application of section

46.—(1) A board may by resolution provide, by contract either with an insurer licensed under *The Insurance Act* or with an association registered under *The Prepaid Hospital and Medical Services Act*, Insurance, hospitalization, etc.

R.S.O. 1970, cc. 224, 360

- (a) group life insurance for employees or any class thereof;
- (b) group accident insurance or group sickness insurance for employees or any class thereof and their wives and children; and
- (c) hospital, medical, surgical, nursing or dental services or payment therefor for employees or any class thereof and their wives and children,

and may provide for contributing toward the cost thereof.

Contribu-
tions re
Ontario
hospital
care plan
R.S.O. 1970,
c. 209
Contribu-
tions

(2) A board may by resolution provide for contributing toward the cost to employees of the plan of hospital care insurance provided for under *The Hospital Services Commission Act*.

(3) No resolution under this section authorizes contributions by the board in excess of twice the total of those made by the employees. R.S.O. 1970, c. 424, s. 46.

Open
meetings
of school
boards

47.—(1) The meetings of a school board, except meetings of a committee of the board including a committee of the whole board, shall be open to the public and no person shall be excluded therefrom except for improper conduct.

Exclusion
of persons

(2) The presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at the meeting. R.S.O. 1970, c. 424, s. 47.

First
meetings

48.—(1) Except as otherwise provided in any Act,

- (a) where a board is elected or appointed on or after the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday in January of the following year; and
- (b) where a board is elected or appointed on or after the 1st day of January and before the 1st day of April in any year, it shall hold its first meeting at 8 p.m. on the second Wednesday following the election or appointment of the board.

Supervisory
officer
may provide
for calling
first
meeting

(2) Notwithstanding subsection 1, on the petition of a majority of the trustees of a newly elected or appointed board, the appropriate supervisory officer may provide for calling the first meeting of the board at some other time and date.

When board
deemed
appointed

(3) A board shall be deemed to be appointed when a majority of the members to be appointed has been appointed.

Presiding
officer

(4) At the first meeting in each year, the secretary shall preside until the election of the chairman or, if there is no secretary or in his absence, the members present shall elect one of themselves to preside at the election of the chairman, and the member so selected to preside may vote as a member.

(5) At the first meeting in each year and at the first meeting after a vacancy occurs in the office of chairman, the members shall elect one of themselves to be chairman, and the chairman shall preside at all meetings. Election of chairman

(6) In the case of an equality of votes at the election of a chairman or vice-chairman, the candidates shall draw lots to fill the position of chairman or vice-chairman, as the case may be. Where equality of votes

(7) The members of the board may also elect one of themselves to be vice-chairman and he shall preside in the absence of the chairman. Vice-chairman

(8) If at any meeting there is no chairman or vice-chairman present, the members present may elect a chairman for that meeting. Temporary chairman

(9) In the absence of the secretary from any meeting, the chairman or other member presiding may appoint any member or other person to act as secretary for that meeting. Temporary secretary

(10) The presence of a majority of all the members constituting a board is necessary to form a quorum, except that when a board of education is dealing with matters that affect public schools exclusively, the presence of a majority of the members elected to the board of education by the public school electors is necessary to form a quorum. Quorum

(11) Subject to subsection 7 of section 29 of *The Secondary Schools and Boards of Education Act*, the presiding officer, except where he is the secretary of the board and is not a member, may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negated. Chairman voting; equality of votes
R.S.O. 1970, c. 425

(12) Subsequent meetings of the board shall be held at such time and place as the board considers expedient. Subsequent meetings

(13) Subject to the provisions of the Act under which the board is established, special meetings of the board may be called by the chairman and in such other manner as the board may determine. R.S.O. 1970, c. 424, s. 48. Special meetings

49.—(1) Except as provided in subsection 2, every person elected or appointed to a board, on or before the day fixed for the first meeting of the new board, shall make and subscribe the following declaration before the secretary of the board or before any person authorized to administer an oath and in default he shall be deemed to have resigned: Declaration

DECLARATION

I, *A.B.*, do solemnly declare that:

1. I am not disqualified under any Act from being a member of (*name of board*).

2. I will truly, faithfully, impartially and to the best of my ability execute the office of trustee, and that I have not received and will not receive any payment or reward or promise thereof for the exercise of any partiality or malversation or other undue execution of the said office.

Declared before me at	}	<i>A.B.</i>
.....in the		
County or District of		
.....this		
.....day of		
....., 19..		

Idem

(2) Where a person is elected or appointed to fill a vacancy on a board, he shall make such declaration on or before the day fixed for holding the first meeting of the board after his election or appointment and in default he shall be deemed to have resigned.

Oath of
allegiance

(3) Every person elected or appointed to a board, before entering on his duties as a trustee, shall take and subscribe before the secretary of the board or before any person authorized to administer an oath the oath of allegiance in the following form:

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me at	}	<i>A.B.</i>
.....in		
the County or District		
of.this		
.....day of		
....., 19..		

Filing of
declaration
and oath

(4) The declaration and oath of allegiance shall be filed with the secretary of the board within eight days after the making or taking thereof, as the case may be. R.S.O. 1970, c. 424, s. 49.

Resignation
of trustees

50.—(1) A trustee of a board, with the consent of a majority of the trustees present at a meeting, entered upon the minutes of it, may resign as trustee, but he shall not vote on a motion as to his own resignation and may not resign as trustee if his resignation will reduce the number of trustees of the board to less than a quorum.

Resignation
to become
candidate
for some
other office

(2) Notwithstanding subsection 1, where it is necessary for a trustee of a board to resign to become a candidate for some other office, he may resign by filing his resignation, including a statement that he is resigning for the purpose of becoming a candidate for some other office, with the secretary of the board and the resignation shall become effective on the 31st day of December after it is so filed. R.S.O. 1970, c. 424, s. 50.

51. Every secretary of a board shall,Duties of
secretary

- (a) keep a full and correct record of the proceedings of every meeting of the board in the minute book provided for that purpose by the board, and ensure that the minutes when confirmed, are signed by the chairman or presiding member;
- (b) transmit to the appropriate supervisory officer copies of reports requested by the supervisory officer or the Minister;
- (c) perform such other duties as may be required of him by the regulations, by any other Act or by the board.

R.S.O. 1970, c. 424, s. 51.

52.—(1) Every treasurer and collector of a board and, if required by the board, any other officer of a board shall give security for the faithful performance of his duties, and the security shall be deposited for safe keeping as directed by the board.

Security
by officers

(2) The security to be given shall be by the bond, policy or guarantee contract of a guarantee company as defined in *The Guarantee Companies Securities Act*. R.S.O. 1970, c. 424, s. 52.

Form of
security
R.S.O. 1970,
c. 196**53.** Every treasurer of a board shall,Duties of
treasurer

- (a) receive and account for all school moneys;
- (b) open an account or accounts in the name of the board in such of the chartered banks of Canada or in such other place of deposit, as may be approved by the board;
- (c) deposit all moneys received by him on account of the board, and not other moneys, to the credit of such account or accounts;
- (d) disburse all moneys as directed by the board;
- (e) produce, when required by the board or by auditors or other competent authority, all papers and moneys in his possession, power or control belonging to the board.

R.S.O. 1970, c. 424, s. 53.

54. Any person may, at all reasonable hours, inspect the minute book, the audited annual financial report and the current accounts of a board, and the secretary, upon the written request of any person and upon the payment to the board at the rate of 25 cents for every 100 words or at such lower rate as the board may fix, shall furnish copies of them or extracts therefrom certified under his hand. R.S.O. 1970, c. 424, s. 54.

Inspection
of books
and accounts

55.—(1) A school trustee is not eligible for appointment as a supervisory officer or as a teacher by the board of which he is a member.

Trustees
disqualified
as supervisory
officers
and teachers

Teachers
disqualified
as trustees

(2) A teacher is not eligible to be a member of the board by which he is employed.

Supervisory
officers
disqualified
as teachers
and trustees

(3) A supervisory officer is not eligible for appointment as a teacher by a board or to be a member of a board while he holds the office of supervisory officer. R.S.O. 1970, c. 424, s. 55.

Disquali-
fication
by interest
in contract
with or
claim against
board

56.—(1) A person is not qualified to be elected as a trustee of a board or to act as a trustee of a board,

- (a) who, either himself or by or with or through another, has an interest in any contract with the board or with any person acting for the board or in any contract for the supply of goods or materials to a contractor for work for which the board pays or is liable directly or indirectly to pay or which is subject to the control or supervision of the board or of an officer of the board, or who has an unsatisfied claim for such goods or materials; or
- (b) who, either himself or by or with or through another, has any claim, action or proceeding against the board.

Disquali-
fication not
to apply
in certain
cases

- (2) Subsection 1 does not apply to a person by reason only,
 - (a) of his being a shareholder in a corporation having dealings or a contract with the board, unless such person is a director, manager, secretary, treasurer, secretary-treasurer or agent or has a controlling interest in such corporation and, for the purpose of determining a controlling interest under this clause, when married persons are living together, the interest of one spouse, if known to the other, is deemed to be also an interest of the other spouse;
 - (b) of his being the proprietor of or otherwise interested in a newspaper or other periodical publication subscribed for by the board or in which an advertisement or notice is inserted in the regular course of business, if the subscription, advertisement or notice is paid for at the usual rate;
 - (c) of his being related by blood or marriage to a person employed by the board;
 - (d) of his being entitled to or receiving, on or after his retirement from employment or service with a board, a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with the board; or
 - (e) of his having an interest in a contract or proposed contract or other matter that he may have as a ratepayer or elector or as a user of any service supplied to him by the board in like manner and subject to the like conditions as are applicable in the case of persons who are not trustees.

(3) If a trustee of a board in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the board, the contract, purchase or sale as against the board is voidable at the instance of the board or a ratepayer assessed to the support of the school or schools under the jurisdiction of the board.

Contracts
by trustees
with board
voidable

(4) Nothing in this section,

Exceptions

- (a) prevents a trustee from receiving or being allowed an honorarium or allowance under section 40;
- (b) prevents a trustee who is an assessor or a collector from receiving or being allowed such remuneration as is provided for under the Act under which he is elected or appointed; or
- (c) prevents a trustee who is a secretary or treasurer of a rural elementary school board from receiving or being allowed such compensation for his services as may be approved at, and entered in the minutes of, the annual meeting or at a special meeting of the electors in the case of a public school board, or of the supporters of the school in the case of a separate school board.

(5) On the complaint of two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or on the complaint of the remaining trustee or trustees, the judge of the county or district court shall, on proof of the facts, declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1970, c. 424, s. 56.

Declaring
seat vacant

57.—(1) If a trustee is convicted of an indictable offence, or becomes mentally ill, or absents himself without being authorized by resolution entered in the minutes from the meetings of the board for three consecutive months, or ceases to hold the residence qualification required by the Act under which he was elected or appointed in the case of a public or secondary school board or ceases to reside within the separate school zone in the case of a separate school board, he *ipso facto* vacates his seat, and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply.

Seat
vacated by
conviction,
etc.

(2) Notwithstanding subsection 1, where a trustee is convicted of an indictable offence, the vacancy shall not be filled until the time for taking any appeal that may be taken from the conviction has elapsed, or until the final determination of any appeal so taken, and in the event of the quashing of the conviction the seat shall be deemed not to have been vacated. R.S.O. 1970, c. 424, s. 57.

Proviso

Idem

58. Where a complaint is made in writing to the appropriate supervisory officer by any two ratepayers assessed for the support of the school or schools under the jurisdiction of the board, or by the remaining trustee or trustees thereof, that any trustee was not, at the time of his election or appointment, qualified to be elected or appointed, or is not competent to act or is disqualified from acting, the supervisory officer may file the complaint with the judge and on proof that the complaint is based on fact, the judge shall declare the seat vacant and the provisions of the Act under which the board is established, with respect to the filling of vacancies, apply. R.S.O. 1970, c. 424, s. 58.

Failure to take security

59. If a board refuses or neglects to take proper security from the treasurer or other person to whom it entrusts school moneys, and any school money is forfeited or lost in consequence of the refusal or neglect, every member of the board is personally liable for such moneys which may be recovered by the board, or by any ratepayer assessed for the support of the school or schools under the jurisdiction of the board suing on behalf of himself and all other such ratepayers, in a court of competent jurisdiction, but no member is liable if he proves that he made reasonable efforts to procure the taking of the security. R.S.O. 1970, c. 424, s. 59.

Biennial or triennial elections

60.—(1) Notwithstanding any other Act, where the council of a municipality is required to conduct the election of trustees for a board, except a county or district combined separate school board and a divisional board of education that is not a divisional board of education of a defined city, and biennial or triennial elections have been provided for members of council, the trustees shall be elected biennially or triennially in the same year as the members of council and shall hold office for two or three years, as the case may be.

Trustees in office before first biennial or triennial election

(2) All elected trustees in office in the year in which the nomination meeting is to be held in respect of the first biennial or triennial election of trustees cease to hold office at the end of that year. R.S.O. 1970, c. 424, s. 60.

PART V

SCHOOL SITES

Board may purchase or expropriate R.S.O. 1970, c. 430

61.—(1) Subject to the provisions of *The Separate Schools Act* as to the selection of a site by a rural school board, every board may acquire by purchase or otherwise or may expropriate any land described in a resolution of the board declaring that the land is required for a school site or for the enlargement of a school site.

(2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate, land in a township for the purposes of a school site where the land adjoins a boundary between the city or town and the township.

Acquiring
land in
adjoining
township

(3) Where a board of education expropriates land under subsection 2, the land is not exempt from taxation by the township, but the corporation of the township and the board of education may agree upon a fixed annual sum to be paid as taxes upon the land, or in case of disagreement, the amount shall be determined by the judge. R.S.O. 1970, c. 424, s. 61.

Land not to
be exempt
from
taxation

62. A public school board, board of education or secondary school board, with the approval of the Minister, may purchase a school site and purchase or build a school building thereon in an adjoining school section or secondary school district, as the case may be, for the purpose of operating a school therein. R.S.O. 1970, c. 424, s. 62.

Purchase
of school
site in
adjoining
section or
district

63.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality that the board considers desirable to acquire in view of the probable further extension of the limits of the city or town so as to include the land, but no land shall be acquired under this section at a greater distance than five miles from the limits of the city or town.

Acquiring
land out-
side city
or town for
future
school sites

(2) All land acquired under subsection 1, so long as it is held by the board, is subject to municipal assessment and taxation in the municipality in which it is situated.

Assessment
and taxa-
tion

(3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Expropria-
tion not
authorized

(4) So long as land acquired by a board of a city or town under subsection 1 is held by the board, no school building or other permanent improvement shall be constructed on such land until the land is included within the limits of the school section under the jurisdiction of the board.

Building
on land
prohibited

(5) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it considers expedient. R.S.O. 1970, c. 424, s. 63.

Power to
dispose of
sites so
acquired

64.—(1) A board that had an average daily enrolment of 10,000 or more in the preceding year in the schools under its jurisdiction may acquire by purchase or otherwise land in any municipality for the purpose of erecting a natural science school, and may build and operate such a school thereon.

Natural
science
schools

Taxation

(2) All land acquired by a board under subsection 1, so long as it is held by the board and is not situated in the school section, separate school zone or secondary school district, as the case may be, in which the board has jurisdiction, is subject to municipal assessment and taxation in the municipality in which it is situated.

Programs

(3) Where a board builds and operates a natural science school, it may conduct a natural science and conservation program in co-operation with a conservation authority. R.S.O. 1970, c. 424, s. 64.

Who may sell and convey to board

65.—(1) Every corporation, tenant in tail or for life, guardian, executor, administrator, committee and every trustee, not only for and on behalf of himself, his heirs and successors, but also for and on behalf of those he or they may represent, whether married women, infants, unborn issue, mentally incompetent persons or mentally defective persons, or other persons, seized, possessed of or interested in any land may contract for, sell and convey all or part thereof or any interest therein to a board for a school site or for an enlargement of or addition to a school site, and any contract, agreement, sale, conveyance or assurance so made is valid and effectual to all intents and purposes.

Where there is no person who can convey

(2) Where there is no person who under subsection 1 may contract, sell or convey, the Supreme Court may on the application of the board appoint some person to act for and on behalf of the owner for the purposes mentioned in subsection 1 and in any proceedings that may be taken under this Part and may give proper direction concerning the disposition of the purchase money. R.S.O. 1970, c. 424, s. 65.

PART VI

SUPERVISORY OFFICERS

Provincial supervisory officers

66.—(1) The Minister shall determine the number of provincial supervisory officers to be appointed.

Appointment

(2) Provincial supervisory officers shall be appointed by the Lieutenant Governor in Council upon the recommendation of the Minister. R.S.O. 1970, c. 424, s. 66.

Supervisory officers

67.—(1) Every divisional board that is required to appoint a director of education, every combined separate school board that is required to appoint a superintendent of separate schools, every board of education for an area municipality as defined in *The Municipality of Metropolitan Toronto Act* and the board of every school section or separate school zone that was a municipal inspectorate on the 31st day of December, 1968 and that is not

dissolved on the 1st day of January, 1969, shall employ such supervisory officers as it considers necessary to supervise adequately all aspects of the programs under its jurisdiction, and the persons so employed shall hold the qualifications required by the regulations.

(2) A board other than a board referred to in subsection 1 may, *Idem* with the approval of the Minister, appoint one or more supervisory officers who shall hold the qualifications required by the regulations. R.S.O. 1970, c. 424, s. 67.

68.—(1) Where a board appoints one or more supervisory officers, the board, *Appointment of supervisory officers*

- (a) shall designate the title and the area of responsibility of each such officer;
- (b) shall appoint an English-speaking supervisory officer for schools and classes where English is the language of instruction, and a French-speaking supervisory officer for schools and classes where French is the language of instruction, or shall arrange with another board or with the Minister for the services of an English-speaking supervisory officer or a French-speaking supervisory officer where such officer is not appointed by the board; and
- (c) may assign to a supervisory officer such administrative duties, in addition to those prescribed in the regulations, as the board considers expedient.

(2) The appointment or removal of a supervisory officer is not effective until approved by the Minister. *Approval of Minister*

(3) Where a board appoints a director of education or a superintendent of separate schools, in addition to being the chief education officer, he shall be the chief executive officer of the board. R.S.O. 1970, c. 424, s. 68. *Chief executive officer*

69.—(1) A supervisory officer may be suspended or removed from office by the Minister for neglect of duty, misconduct, inefficiency or physical infirmity. *Suspension or removal of supervisory officer by Minister*

(2) A supervisory officer appointed by the board may be suspended by the board for neglect of duty, misconduct, inefficiency or physical infirmity, and the secretary of the board shall forthwith report the suspension to the Minister in writing, with a statement of the reasons therefor, and the Minister may remove or confirm the suspension or may remove the person from office and the decision of the Minister is final. *Suspension of supervisory officer by board*

(3) The Minister may give such direction as to the payment or forfeiture of the salary of the supervisory officer for the period of suspension, as he considers just. *Direction as to payment or forfeiture of salary*

Supervisory officer removed not to be employed (4) No person who has been removed from office as a supervisory officer by the Minister shall be appointed or act as a supervisory officer.

Qualification of supervisory officer (5) A supervisory officer shall hold the qualifications prescribed by the regulations and shall be required to take such courses of training as may be required by the regulations.

Whole time to be given (6) A supervisory officer shall not accept any other office or employment and may not follow any other profession or calling during his tenure of office as a supervisory officer, without the approval of the Minister.

Salaries of supervisory officers appointed by board (7) The salary and travelling and other expenses of a supervisory officer appointed by a board shall be fixed by the board and are payable by the board. R.S.O. 1970, c. 424, s. 69.

Duties of supervisory officers **70.**—(1) Subject to the regulations, it is the duty of a supervisory officer,

inspire teachers and pupils (a) to bring about improvement in the work done in the classrooms by inspiring the teachers and pupils and by sympathetically assisting the teachers to improve their practice;

co-operate with boards (b) to assist and co-operate with school boards to the end that the schools may best serve the needs of the children;

visit schools (c) to visit schools and classrooms as the Minister may direct and, where a supervisory officer has been appointed by the board and approved by the Minister, as the board may direct;

prepare reports (d) to prepare a report of a visit to a school or classroom when required by the Minister, and, where a supervisory officer has been appointed by the board and approved by the Minister, when required by the board;

report to boards (e) in the case of a supervisory officer of an elementary school, to forward to each board in his jurisdiction a copy of a report on its schools at least once a year;

annual report to Minister (f) on request, to make a general annual report as to the performance of his duties and the condition of the schools in his jurisdiction to the Minister and also to the board in the case of a supervisory officer appointed by the board;

report to M.O.H. (g) to report to the medical officer of health of the municipality any case in which the school buildings or premises are found to be in an unsanitary condition;

report to the Minister (h) to furnish the Minister with information respecting any school in his jurisdiction whenever required to do so;

- (i) to recommend the withholding of any portion of the legislative grant, recommend withholding of grants
- (i) where the school board has failed to operate its schools or to provide education in a school that is accessible to the pupils for less than six months in the year, except where the school has been closed by order of the medical officer of health or local or provincial health authorities on account of the prevalence of any communicable disease,
- (ii) where the board fails to transmit promptly the annual or other school returns properly completed,
- (iii) where the board fails to comply with this Act or the regulations,
- (iv) where the teacher uses or permits to be used as a text-book, any book not authorized by the regulations,

and in every case to report to the board and to the Minister his reasons for so doing;

- (j) to discharge such other duties as may be required by the Minister or the regulations; Other duties
- (k) to deliver to his successor on retiring from office, his official correspondence and all school papers in his custody on the order of the Minister. R.S.O. 1970, c. 424, s. 70 (1); 1971, c. 90, s. 8. transfer to successor

(2) Every supervisory officer is directly responsible to the Minister for the performance of his duties under subsection 1. Responsibility, to Minister

(3) Every supervisory officer appointed by a board is also responsible to the board for the administrative duties delegated to him by the board. to board

(4) Where a supervisory officer requires the testimony of a witness as to any alleged fact in any complaint or appeal made to him or to the Minister, he may administer an oath to the witness and he has the like power to take evidence and to enforce the attendance of witnesses and the production of documents as a court has in civil cases. R.S.O. 1970, c. 424, s. 70 (2-4). Power to take evidence on oath

PART VII

FINANCE

71.—(1) Notwithstanding the provisions of any general or special Act, a board may by resolution authorize the treasurer and the chairman or vice-chairman to borrow from time to time from a chartered bank by way of a promissory note such sums as the board considers necessary to meet the current expenditures of the Current borrowings

board until the current revenue has been received. R.S.O. 1970, c. 424, s. 71 (1); 1971, c. 90, s. 9.

For debt charges

(2) A board that has jurisdiction only in territory without municipal organization and a separate school board may also borrow, in the manner provided in subsection 1, such sums as the board considers necessary to meet debt charges payable in any year until the current revenue has been received.

Limitation

(3) The amounts that may be borrowed at any one time for the purposes mentioned in subsections 1 and 2, together with the total of any similar borrowings that have not been repaid, shall not exceed the unreceived or uncollected balance of the estimated current revenues of the board, as set forth in the estimates adopted for the year.

When limitation calculated on estimated revenue

(4) Until such estimates are adopted, the limitations upon borrowing prescribed in this section shall temporarily be calculated upon the estimated revenues of the board, as set forth in the estimates adopted for the next preceding year, less the amount of revenues of the current year already collected.

Copy of resolution authorizing borrowing

(5) At the time, in any year, that any amount is borrowed under this section, the secretary-treasurer shall furnish to the bank a copy of the resolution authorizing the borrowing, unless he has previously done so, and as frequently as required by the bank, a statement showing the amount of the estimated revenues of the current year nor yet collected or, where the estimates for the current year have not been adopted, a statement showing the amount of the estimated revenues of the board as set forth in the estimates adopted for the next preceding year and the amount of revenues of the current year already collected, and also showing the total of any amounts borrowed under this section in the current year that have not been repaid.

Estimated revenues

(6) For the purposes of this section, estimated revenues do not include revenues derivable or derived from the sale of assets, borrowings or issues of debentures or from a surplus including arrears of taxes and proceeds from the sale of assets. R.S.O. 1970, c. 424, s. 71 (2-6).

Fees for non-resident pupils, calculation

72.—(1) Where a board provides education for pupils whose fees are receivable from another board, from Canada or from Ontario, the fees shall be calculated by the use of financial data and average daily enrolment in respect of elementary schools or secondary schools, as the case may be, for the year in which such education is provided,

(a) by ascertaining the gross current expenditure for the maintenance of the schools under the jurisdiction of the board, excluding expenditure for tuition fees, for daily transportation of pupils to school and return and for

board, lodging and transportation once a week to school and return;

- (b) by ascertaining the total gross revenue from all sources, excluding revenue from,

- (i) legislative grants,
- (ii) taxation,
- (iii) tuition fees,
- (iv) costs recoverable from Ontario pursuant to a regulation made under paragraph 14 of subsection 1 of section 12 of *The Department of Education Act*,
- (v) the sale of, and insurance proceeds in respect of, capital appurtenances as defined in the regulations, and
- (vi) transfers from reserve funds and from reserves for working funds;

R.S.O. 1970,
c. 111

- (c) by deducting the amount determined under clause *b* from the amount determined under clause *a*;
- (d) by ascertaining the average daily enrolment as adjusted by the application of the appropriate course weighting factors as prescribed in the regulations for the year in which such education is provided, of pupils at schools under the jurisdiction of the board;
- (e) by dividing the amount determined under clause *c* by the average daily enrolment as adjusted under clause *d*;
- (f) by multiplying the average daily enrolment, as adjusted by the application of the appropriate course weighting factors, of pupils whose fees are receivable from another board, from Canada or from Ontario, by the sum of,
 - (i) the amount determined under clause *e*, and
 - (ii) the pupil accommodation charge as prescribed in the regulations for the year in which such education is provided. R.S.O. 1970, c. 424, s. 72 (1); 1971, c. 90, s. 10 (1).

(2) REPEALED: 1971, c. 90, s. 10 (2).

(3) Notwithstanding subsection 1, where a board provides instruction in a special education class for a pupil,

Special
education
classes

- (a) whose fee is receivable from another board, from Canada or from Ontario, the fee shall be such as the board may prescribe, but shall not be less than the fee calculated under subsection 1 or more than the product obtained by multiplying the fee calculated under subsection 1 by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special

education class under the regulations, but such ratio shall not be less than one;

- (b) whose fee is receivable from a parent or guardian, the fee shall be such as the board may prescribe, but shall not exceed the product obtained by multiplying the fee calculated under subsection 1, except that the financial and attendance data used in the calculation shall be in respect of the year immediately preceding the year in which the pupil is enrolled and under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants, by the ratio of 30 for an elementary school pupil or of 20 for a secondary school pupil, as the case may be, to the maximum enrolment for such special education class under the regulations, but such ratio shall not be less than one. R.S.O. 1970, c. 424, s. 72 (3); 1971, c. 90, s. 10 (3, 4).

Fees for
trainable
retarded
children

(3a) For the purpose of calculating fees for a pupil who attends a school for trainable retarded children, "special education class" in subsection 3 shall include a class in a school for trainable retarded children, and the maximum enrolment for a class in such a school shall be deemed to be ten. 1971, c. 90, s. 10 (5).

Fees pay-
able by
individuals

(4) Where a board provides instruction for a pupil in respect of whom fees are required to be paid, other than a pupil whose fees are receivable from another board, from Canada or from Ontario, the fees payable by or on behalf of the pupil shall be such as the board may prescribe, but shall not exceed the fees calculated as provided in subsection 1, except that under clause *b* of subsection 1 the gross revenue shall not be reduced by legislative grants and except that the financial data and attendance used in such calculation shall be in respect of the year preceding the year in which the pupil is enrolled.

When fees
payable by
boards

(5) The fees payable by a board for the education of pupils shall be paid, when requested by the treasurer of the board that provides the education, on an estimated basis at least quarterly during the year in which the education is provided, with such adjustment as may be required when the actual financial data and attendance for the year have been finally determined, and the estimate shall be not less than the rate per pupil chargeable for a similar period in the preceding year times 90 per cent of the number of such pupils enrolled at the beginning of the current school term. R.S.O. 1970, c. 424, s. 72 (4, 5).

Reduction
of requis-
ition or
rates

73.—(1) Where in any year provision is made by regulation for a grant to a board for the purpose, in such year, of limiting the amount of the requisition for public or secondary school purposes or of limiting the increase in the mill rate for separate school purposes in respect of,

- (a) a municipality or part thereof; or
- (b) a part of territory without municipal organization that is deemed to be a district municipality,

under the jurisdiction of the board, the board shall, in such year, notwithstanding the provisions of any other Act, apply the grant to reduce the amount of the requisition that otherwise would be required for public or secondary school purposes or to reduce the mill rate that otherwise would be required to be levied for separate school purposes, as the case may be, in respect of the municipality or part thereof, or the district municipality. R.S.O. 1970, c. 424, s. 73 (1).

(2) Where a board that has jurisdiction in more than one municipality or in one municipality and territory without municipal organization ascertains that,

Adjustment
of rates
where under-
or over-levy

- (a) the sum that the board requisitioned for public or secondary school purposes from, or levied for separate school purposes in, a municipality or a part thereof or part of territory without municipal organization that is deemed to be a district municipality by subsection 4 of section 27 of *The Secondary Schools and Boards of Education Act* or by subsection 3 of section 80 of *The Separate Schools Act*, in a year,

R.S.O. 1970,
cc. 425, 430

differs from,

- (b) the sum that the board ought to have requisitioned for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in such year in accordance with the provisions of the Act under which the board operates, after the application of the grant referred to in subsection 1 that is receivable by the board in such year in respect of such municipality or part thereof or part of territory without municipal organization,

the difference shall be added to or subtracted from the sum that is estimated to be required for public or secondary school purposes from, or levied for separate school purposes in, such municipality or part thereof or part of territory without municipal organization in the year in which, or in the year next following the year in which, the existence of the difference is ascertained.

(3) Notwithstanding subsection 2, a board may, with the approval of the Minister, add to or subtract from the sum that is estimated to be required from or levied in a municipality or part thereof or part of territory without municipal organization in each of two or three years, commencing in the year in which, or in the year next following the year in which, the difference referred to in subsection 2 is ascertained, a portion of such difference, so as to make up the total thereof. 1971, c. 90, s. 11.

Levy for
difference

PART VIII

REDUCTION OF SCHOOL TAXES ON RESIDENTIAL AND
FARM ASSESSMENT**74.** In this Part,

- (a) "commercial assessment" means,
- (i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and
 - (ii) business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines, and the assessment of telephone and telegraph companies,
- according to the last revised assessment roll;
- (b) "residential and farm assessment" means the assessment for real property except the assessment for real property mentioned in sub-clauses i and iii of clause a, according to the last revised assessment roll. R.S.O. 1970, c. 424, s. 74.

Data
furnished,
by the
municipality

75.—(1) The clerk of a municipality shall in each year furnish to each school board having jurisdiction in the municipality, or any parts thereof, information respecting the total of the commercial assessments and of the residential and farm assessments on which rates for the support of the board will be levied in that year and the amount due and payable in the current year for debt charges on debentures issued by the municipality in respect of the board.

by clerk
of county

(2) Where a county has issued debentures for the purposes of a board, the clerk of the county shall in each year furnish information to the board respecting the amount due and payable in the current year for debt charges on such debentures. R.S.O. 1970, c. 424, s. 75.

Estimates
for basis
of rates

76.—(1) For the purposes of determining the rates, every school board in preparing its estimates shall include the amount of debt charges due in the current year in respect of the board.

Apportion-
ment of
estimates

(2) Every board that is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization shall apportion its estimates as determined under subsection 1 in accordance with the provisions

of the Act under which the board operates. R.S.O. 1970, c. 424, s. 76.

77.—(1) Every public and secondary school board, except a divisional board of education under Part IV of *The Secondary Schools and Boards of Education Act*, shall submit to the council of each municipality in which or part of which the board has jurisdiction, on or before the 1st day of March in each year, a copy of its estimates as determined under section 76. Submission of estimates of board to council R.S.O. 1970, c. 425

(2) Where the board is supported by assessment in two or more municipalities or in one or more municipalities and territory without municipal organization, it shall indicate to the council of each municipality concerned the amount of the estimates that is to apply to that municipality. R.S.O. 1970, c. 424, s. 77. Idem

78.—(1) Rates to be levied for each school board in each municipality and territory without municipal organization shall be determined in the following manner: Determination of rates

1. Add 90 per cent of the residential and farm assessment to the commercial assessment.
2. Multiply the amount estimated by the board under section 76 to be raised by taxation in the municipality or territory without municipal organization by 1000 and divide the product by the total determined under paragraph 1.
3. The rate to be levied on commercial assessment shall be the rate determined under paragraph 2.
4. The rate to be levied on residential and farm assessment shall be 90 per cent of the rate determined under paragraph 2.

(2) Except in the case of public and secondary school boards that have jurisdiction only in territory without municipal organization, secondary school boards in the part of the secondary school districts in territory without municipal organization and separate school boards, the rates shall be determined by the council of each municipality for each board that has jurisdiction in the municipality. R.S.O. 1970, c. 424, s. 78. Who to determine rates

79.—(1) The council of each municipality, except a municipality in a school division, shall withhold from the amount levied and collected for a school board sufficient funds to meet the annual debt charges payable in the current year by the municipality in respect of debentures issued for the purposes of the board. R.S.O. 1970, c. 424, s. 79 (1); 1971, c. 90, s. 12. Withholding of debenture levy

(2) Where the debt charges payable by a municipality on behalf of a board are more than the amount levied by the Deficiency payable by board

municipality for the cost of operation of the board, the board shall make a payment equal to the deficiency to the municipality on or before the date or dates on which the debt charges are payable. R.S.O. 1970, c. 424, s. 79 (2).

Assessment
roll

R.S.O. 1970,
c. 32

30. The assessor of each municipality and each assessor in territory without municipal organization, in addition to the particulars required under subsection 1 of section 17 of *The Assessment Act*, shall set down in separate columns the following particulars:

1. the commercial assessment for public school purposes;
2. the residential and farm assessment for public school purposes;
3. the commercial assessment for separate school purposes;
4. the residential and farm assessment for separate school purposes;
5. where two or more secondary school districts, or parts thereof, are situated in the municipality, the secondary school districts and the commercial assessment and residential and farm assessment in each secondary school district. R.S.O. 1970, c. 424, s. 80.

Levying
of school
rates

31. The council of every local municipality, every public school board that has jurisdiction only in territory without municipal organization, every divisional board that has jurisdiction in any territory without municipal organization that is deemed a district municipality in a school division, and every separate school board in each year shall levy or cause to be levied on the whole of the assessment for real property and business assessment for public, secondary and separate school purposes, as the case may be, according to the last revised assessment roll, the rates determined for each public, secondary and separate school board having jurisdiction in the municipality, or a part thereof, or in territory without municipal organization, as the case may be. R.S.O. 1970, c. 424, s. 81.

This Part
to prevail
where
conflict

32. In the event of a conflict between any provision in this Part and any provision in any other general or special Act, the provision in this Part prevails. R.S.O. 1970, c. 424, s. 82.

PART IX

SCHOOL BOARD ADVISORY COMMITTEES

Interpre-
tation

R.S.O. 1970,
c. 430

33. In this Part,

- (a) "board" means a board of education or a board to which any provision of Part III of *The Separate Schools Act*

applies and includes the Metropolitan Separate School Board;

- (b) "committee" means a school board advisory committee formed under this Part. R.S.O. 1970, c. 424, s. 83.

84. A board may establish a school board advisory committee. R.S.O. 1970, c. 424, s. 84. Committee
establish-
ment

85.—(1) The committee shall be composed of, Composition

- (a) three members of the board appointed by the board;
- (b) the chief education officer of the board or his nominee;
- (c) six teachers employed by the board, appointed by the teachers in the employ of the board;
- (d) four persons appointed by the board who are neither teachers nor members of a board, but who are resident within the jurisdiction of the board; and
- (e) the persons appointed under subsections 2 and 3.

(2) In the case of a separate school board, where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee two persons selected by the Council or Councils. Separate
school
board

(3) In the case of a board of education, Board of
education

- (a) where the Diocesan Council or Councils of the Federation of Catholic Parent-Teacher Associations of Ontario organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council or Councils;
- (b) where the Home and School Council organized in the area of jurisdiction of the board so recommends, the board shall appoint to the committee one person selected by the Council; and
- (c) where no recommendation and appointment is made under clause *a*, a recommendation and appointment of two persons may be made under clause *b* and, where no recommendation and appointment is made under clause *b*, a recommendation and appointment of two persons may be made under clause *a*.

(4) The teachers shall submit to the board, not later than the 31st day of January in each year, the names of the appointees under clause *c* of subsection 1. Notice of
teacher
appointees

(5) Members of the committee shall be appointed on or before the 31st day of January in each year and shall hold office for one year. Appoint-
ment and
term of
office

Reappointment	(6) Except for the chief education officer, a member of the committee shall not hold office for more than three years in succession.
Vacancies	(7) Every vacancy on a committee occasioned by the death or resignation of a member, or by any other cause, shall be filled by a person qualified under subsection 1 and appointed by the body or person that appointed the member whose office has become vacant, and every person so appointed shall hold office for the unexpired portion of the term of such member.
Application 1970	(8) For the year 1970, the dates referred to in this Part do not apply, but any person appointed to a committee after the 31st day of January in the year 1970 shall hold office until the 31st day of January, 1971. R.S.O. 1970, c. 424, s. 85.
First meeting	86. —(1) The chairman of the board shall call the first meeting of the committee not later than the 28th day of February in each year, and shall preside at such meeting until the chairman of the committee is elected.
Chairman	(2) The chairman of the committee shall be elected by the committee at its first meeting in each year.
Quorum	(3) Eight members of the committee constitute a quorum and a vote of the majority of the members present is necessary to bind the committee.
Sub-committees	(4) The committee may establish such sub-committees as it considers necessary. R.S.O. 1970, c. 424, s. 86.
Recording secretary	87. —(1) The board shall provide a recording secretary for the committee.
Budget	(2) The committee shall, as required by the board, submit to the board for approval a budget of its estimated expenditures for the calendar year.
Expenditures	(3) The board shall pay such expenditures of the committee as are approved by the board. R.S.O. 1970, c. 424, s. 87.
Powers of committee	88. —(1) The committee may make reports and recommendations to the board in respect of any educational matter pertaining to the schools under the jurisdiction of the board.
Limitation	(2) Notwithstanding subsection 1, the committee shall not concern itself with salaries of employees of the board or with matters pertaining to personnel problems and policies relating to personnel.
Consideration of reports	(3) The board shall consider any report or recommendation submitted to it by the committee and shall not refuse its approval without having given the committee, or its representatives, an opportunity to be heard by the board. R.S.O. 1970, c. 424, s. 88.

PART X

OFFENCES AND PENALTIES

89. Any person who wilfully makes a false declaration of his right to vote at a school meeting or at an election of trustees is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1970, c. 424, s. 89.

False
declaration
of right
to vote

90. Any person who wilfully interrupts or disquiets the proceedings of a school meeting or a school by rude or indecent behaviour or by making a noise either in the place where the meeting is held or in the school or so near thereto as to interfere with the proceedings of the meeting or the order of exercises of the school is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1970, c. 424, s. 90.

Disturbances

91.—(1) A trustee who refuses to serve after being elected or appointed with his own consent is guilty of an offence and on summary conviction is liable to a fine of \$25.

Refusal
to serve

(2) A trustee who has been elected or appointed and has not refused to accept the office and who at any time refuses or neglects his duties as trustee is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

Failure to
perform
duties

(3) A trustee who sits or votes at any meeting of the board after becoming disqualified is guilty of an offence and on summary conviction is liable to a fine of not more than \$25 for every meeting at which he so sits or votes. R.S.O. 1970, c. 424, s. 91.

Acting
while dis-
qualified

92. The chairman of a rural school meeting who neglects to transmit to the supervisory officer concerned a minute of the proceedings of any annual or other rural school meeting over which he has presided, within ten days after the holding of the meeting, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1970, c. 424, s. 92.

Failure to
transmit
minutes

93. Every school board and its secretary and treasurer shall furnish the auditors with any papers or information in its or his power that may be required of it or him relating to the school accounts and a member of the board, or a secretary or treasurer, who neglects or refuses so to do is guilty of an offence and on summary conviction is liable to a fine of not more than \$25, but no member is liable if he proves that he made reasonable efforts to procure the furnishing of the papers or information. R.S.O. 1970, c. 424, s. 93.

Information
to auditors

94. Every trustee who knowingly signs a false report and every teacher who keeps a false school register or makes a false

False
reports and
registers

return is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1970, c. 424, s. 94.

Failure to
call school
meeting

95. If an annual or other rural public school meeting has not been held for want of the proper notice, every trustee or other person whose duty it was to give notice is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1970, c. 424, s. 95.

Delivery up
of books
and money

96.—(1) A treasurer, secretary or secretary-treasurer, or a person having been a treasurer, secretary or secretary-treasurer, and a trustee or other person who has in his possession any book, paper, chattel or money that came into his possession as such treasurer, secretary, secretary-treasurer, trustee or otherwise shall not wrongfully withhold, or neglect or refuse to deliver up, or account for and pay over the same to the person and in the manner directed by the board or by other competent authority.

Summons
for appear-
ance

(2) Upon application to the judge by the board, supported by affidavit, showing such wrongful withholding or refusal, the judge may summon the treasurer, secretary, secretary-treasurer, trustee or person to appear before him at a time and place appointed by him.

Service of
summons

(3) A bailiff of a small claims court, upon being required so to do by the judge, shall serve the summons or a true copy thereof on the person complained against personally or by leaving it with a grown-up person at his residence.

Order to
account

(4) At the time and place so appointed, the judge, if satisfied that service has been made, shall, in a summary manner, and whether the person complained against does or does not appear, hear the complaint, and if he is of the opinion that it is well founded may order the person complained against to deliver up, account for and pay over such book, paper, chattel or money by a day to be named by the judge in the order, together with such reasonable costs incurred in making the application as the judge may allow.

Effect of
non-com-
pliance with
judge's
order

(5) In the event of non-compliance with the order, the judge may order such person to be forthwith arrested by the sheriff of any county or district in which he may be found, and to be committed to a correctional institution in the county, district or judicial district in which he resides, there to remain without bail until the judge is satisfied that he has delivered up, accounted for or paid over the book, paper, chattel or money in the manner directed by the board or other competent authority.

Discharge
on comply-
ing with
order

(6) Upon proof of his having so done, the judge shall make an order for his discharge and he shall be discharged accordingly.

Discharge
on terms

(7) Upon proof that the person has done all in his power to deliver up, account for or pay over such book, paper, chattel or

money as directed, the judge may order his discharge on such terms or conditions as he considers just.

(8) Such proceedings do not impair or affect any other remedy that the board or other competent authority may have against the person complained against or against any other person. R.S.O. 1970, c. 424, s. 96. Other remedy not affected

97.—(1) Section 96 applies to the case of any person who has in his possession any books, paper, chattel or money that came into his possession as secretary, or treasurer, or member, or otherwise, of a board that has been dissolved, and every such person shall deliver up, account for and pay over every such book, paper, chattel and all such money to the person and in the manner provided in or under the Act under which the board is dissolved and failing any such provision as directed by the Minister, and in default of his so doing, proceedings may be taken against him by two ratepayers in the same manner as in the case provided for by section 96, and that section *mutatis mutandis* applies. Compelling delivery of books, money, etc. on dissolution of school corporation

(2) Subsection 1 applies to every person who has received from such secretary, treasurer, trustee or other person any book, paper, chattel or money, which by subsection 1 it is declared to be the duty of such secretary, treasurer, trustee or other person to deliver up, and the like proceedings may be taken against such first-mentioned person. R.S.O. 1970, c. 424, s. 97. Application of subs. 1

98.—(1) No teacher, trustee, supervisory officer or other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, shall sell or become or act as agent for any person to sell or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid or for the use of any pupil thereof, nor shall he receive directly or indirectly compensation or other remuneration or the equivalent for so doing. No supervisory officer, trustee, teacher etc., to act as agent for the sale of books, maps, etc.

(2) Every person who contravenes subsection 1 is guilty of an offence and on summary conviction is liable, if he is a teacher to a fine of not more than \$50, if he is a trustee to a fine of not more than \$100, if he is a supervisory officer to a fine of not more than \$500 and if he is any other person so officially connected to a fine of not more than \$100. Offence

(3) Any person, firm or corporation and any agent of a person, firm or corporation who employs a teacher, trustee, supervisory officer or any other person officially connected with the Department or with any elementary or secondary school or with any teachers' college or other institution that is under the management or control of the Minister, to sell or become or act as agent Idem

for or to promote in any way the sale of any school library, prize or text-book, map, chart, school apparatus, furniture, stationery or other article for the use of any elementary or secondary school, teachers' college or other institution aforesaid, or who directly or indirectly gives or pays to any such teacher, trustee, supervisory officer or other person compensation or remuneration or the equivalent thereof is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Gifts, etc.,
to be
prima facie
evidence

(4) Any gift or payment made to a teacher, trustee, supervisory officer or other person so officially connected by any person firm or corporation interested either as principal or agent in any such sale is *prima facie* evidence of a contravention of this section.

Consent of
Minister of
Justice and
Attorney
General to
prosecution

(5) No prosecution under this section shall be instituted without the written consent of the Minister of Justice and Attorney General or the Deputy Minister of Justice and Deputy Attorney General.

Sale in
ordinary
course of
business
excepted

(6) This section does not apply to sales made by a trustee who is a merchant or bookseller in the ordinary and regular course of his business as such and made at his shop or place of business.

Application

(7) This section does not apply to a teacher, trustee, supervisory officer or any other person who is the author of a book in respect of which the only compensation that he receives is a fee or royalty thereon. R.S.O. 1970, c. 424, s. 98.

PART XI

MISCELLANEOUS

Saving

R.S.O. 1950,
cc. 165,
316, 356

99.—(1) Nothing in section 43 affects any pension plan established and approved by the Minister before the 6th day of April, 1954 under section 39 of *The High Schools Act*, section 129 of *The Public Schools Act* or section 83 of *The Separate Schools Act*.

Idem

(2) Nothing in section 44 affects any sick leave credit plan established and approved by the Minister before the 6th day of April, 1954 under section 40 of *The High Schools Act*, section 130 of *The Public Schools Act* or section 84 of *The Separate Schools Act*.

Idem

(3) Nothing in section 45 affects any retirement allowance granted before the 6th day of April, 1954 under section 60 of *The High Schools Act* or section 128 of *The Public Schools Act*. R.S.O. 1970, c. 424, s. 99.

Share of
licence fees
for trailers
to be paid
to boards

100.—(1) Except as provided in subsection 2, where a trailer is located in a trailer camp or elsewhere in a municipality and licence fees are collected for the trailer or for the land occupied by the trailer in a trailer camp in any year, the council of the municipality shall pay,

- (a) to the public school board having jurisdiction in the school section in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for public school purposes, including township grants, bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected in the same proportion as the rate levied in that part of the municipality for secondary school purposes bears to the total of the rates levied in that part of the municipality for public and secondary school purposes and municipal purposes.

(2) Where the occupant of a trailer has given to the clerk of the municipality in which the trailer is located a notice in writing stating that he is a Roman Catholic and desires to be a supporter of a separate school that is situated within three miles of the trailer and within the municipality or a municipality contiguous thereto, the council of the municipality shall pay, Idem

- (a) to the board of the separate school a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for separate school purposes in that part of the municipality that is within three miles of the separate school bears to the total of the rates levied in such part of the municipality for separate and secondary school purposes and municipal purposes; and
- (b) to the secondary school board having jurisdiction in the secondary school district in which the trailer is located a share of the licence fees collected with respect to such trailer in the same proportion as the rate levied for secondary school purposes in such district bears to the total of the rates levied for separate and secondary school purposes and municipal purposes in that part of the district within three miles of the separate school.

(3) This section does not apply to trailer camps and trailer parks operated by a municipality. R.S.O. 1970, c. 424, s. 100.

Application
to municipally-
operated
camps

(4) The share of the licence fees payable to a board by the council of a municipality under this section shall be in addition to any other amount that is payable to the board by the municipality, and shall be paid to the board on or before the 15th day of December in the year for which the licence fees are collected. 1971, c. 90, s. 13.

Licence
fees not part
of annual
rates

Trailer fee
in public
school
section in
unorganized
territory

101.—(1) Except as provided in subsection 2, the owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a public school section shall pay to the public school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Trailer fee
re separate
school in
unorganized
territory

(2) Where the occupant of a trailer that is located in territory without municipal organization is a Roman Catholic and signifies in writing to the separate school board and if the trailer is located in a public school section to the secretary of the public school board that he is a Roman Catholic and wishes to be a supporter of the separate school that is within three miles of the trailer, the owner or lessee of the trailer shall pay to the separate school board, on or before the first day of each month, a fee of \$3 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Trailer fee
in secondary
school
district in
unorganized
territory

(3) The owner, lessee or person having possession of a trailer that is located in territory without municipal organization in a secondary school district shall pay to the secondary school board, on or before the first day of each month, a fee of \$2 in respect of such trailer for each month or part thereof, except July and August, that the trailer is so located.

Notice

(4) No person is required to pay a fee under this section until he has been notified in writing by the secretary of the board concerned or the tax collector that he is liable to pay such fee and upon receipt of such notice the person shall forthwith pay all fees for which he has been made liable under this section before receipt of the notice and shall thereafter pay fees in accordance with subsections 1 to 3.

Content
of notice

(5) Every notice under this section shall make reference to this section and shall specify,

- (a) the amount of fees for which the person is liable on receipt of the notice;
- (b) the amount of the monthly fee to be paid thereafter;
- (c) the date by which payment is required to be made;
- (d) the place at which payment may be made; and
- (e) the fine provided under this section.

Offence

(6) Every owner or lessee or person having possession of a trailer who permits the trailer to be located in any part of territory without municipal organization in which he is liable for any fee under this section without paying the fee as required under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$50 and each day that this subsection is contravened shall be deemed to constitute a separate offence. R.S.O. 1970, c. 424, s. 101.

102.—(1) Arbitrators acting under *The Public Schools Act*, *The Separate Schools Act*, *The Secondary Schools and Boards of Education Act* or this Act shall send a copy of their award forthwith after the making thereof to the secretary of the school board and to the clerk of each municipality affected.

Arbitrators
to send copy
of award to
board, etc.
R.S.O. 1970,
cc. 385, 430,
425

(2) Such arbitrators shall determine the costs of the arbitration and shall direct to whom and by whom and in what manner such costs or any part thereof, and the fees under subsection 4, shall be paid, and such determination and direction is final.

Liability
of parties
for costs

(3) An arbitrator is entitled to an allowance of 10 cents for each mile necessarily travelled by him to and from his residence to attend meetings of arbitrators together with his actual expenses for room and meals, incurred while attending such meetings, and such costs shall be included in the costs of the arbitration.

Expenses

(4) Each arbitrator, shall be paid a fee,

Fees

- (a) in the case of the Ontario Municipal Board, as determined by the Board;
- (b) in the case of an arbitrator other than a supervisory officer, judge or member of the Ontario Municipal Board, at the rate of \$10 for each sitting of a half-day or fraction thereof.

(5) This section does not apply to a Board of Reference or the members thereof. R.S.O. 1970, c. 424, s. 102.

Application

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The Secondary Schools and Boards of Education Act

Revised Statutes of Ontario, 1970

CHAPTER 425

as amended by

1971, Chapters 68 and 98, s. 4, Sched., par 29

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THE SECONDARY SCHOOLS AND BOARDS OF EDUCATION ACT

R.S.O. 1970, CHAPTER 425

as amended by

1971, Chapters 68 and 98, s. 4, Sched., par. 29.

1. A person is a resident pupil with respect to a secondary school district, Resident pupils

(a) if he resides with his parent or guardian in the secondary school district; or

(b) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act*, is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for secondary school purposes in that secondary school district, by three times the average daily enrolment of pupils resident in that secondary school district in such year; or

R.S.O. 1970,
c. 32

NOTE: Clause *b* as set out above, comes into force on the first day of January, 1972. See 1971, c. 68, s. 1.

(c) if he resides and is assessed in the secondary school district or if he is over eighteen years of age and has resided in the secondary school district for the twelve months immediately before his admission to a secondary school in the secondary school district,

but a person is not a resident pupil under clause *a* if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for and pays taxes for school purposes in the secondary school district. R.S.O. 1970, c. 425, s. 1; 1971, c. 68, s. 1.

PART I

SECONDARY SCHOOLS

2.—(1) The Lieutenant Governor in Council may establish ^{In} any area in the territorial districts, that is not part of a school division, as a secondary school district, and may discontinue or ^{territorial districts}

decrease or increase the area of any such secondary school district, and if any such secondary school district is discontinued, or the area is decreased or increased, the assets and liabilities of the board shall be adjusted or disposed of as determined by the Ontario Municipal Board.

Board of
education in
territorial
districts

(2) Where a secondary school district has been established under subsection 1, the Lieutenant Governor in Council may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of Part III apply to the board. R.S.O. 1970, c. 425, s. 2.

Board in
territorial
districts
outside
school
divisions

3.—(1) Where a secondary school district is established under subsection 1 of section 2, the Lieutenant Governor in Council may make regulations providing for,

- (a) the formation of a board;
- (b) the apportionment of costs within the secondary school district; and
- (c) the issuing of debentures by the board for permanent improvements,

and the board is a corporation by the name designated by the Lieutenant Governor in Council.

Powers
and
duties

(2) The board shall exercise the powers and duties of a municipal council for that part of the secondary school district that comprises territory without municipal organization with respect to preparing estimates of the sums required during the year, levying rates, collecting taxes and issuing debentures, for secondary school purposes.

Apportion-
ment of
costs

(3) In apportioning the costs within the secondary school district, the portion of the secondary school district that comprises territory without municipal organization shall be treated as one municipality.

Tax
collector

(4) The tax collector appointed by the board for the territory without municipal organization has the same powers as a tax collector in a municipality.

Rates for
first year
to be levied
on current
assessment

(5) In the first year that any territory without municipal organization is included in a secondary school district, the rates for that year shall be levied on the assessment of the property in such territory made in that year.

Return of
arrears of
taxes in
unorganized
territory

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant

and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

(7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Entry in
sheriff's
book

(8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

Payment of
arrears
thereafter

(9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

When
arrears to
be paid to
sheriff

(10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

Sale of
land for
arrears

(11) Where the tax arrears procedures under *The Department of Municipal Affairs Act* are in effect in a secondary school district, it is not necessary for the collector to furnish to the sheriff any of the information or statements required under this section in respect of tax arrears, and the powers and duties of the sheriff in respect of tax arrears and tax sales do not apply in respect of the secondary school district, and all the powers and duties of the sheriff in respect of arrears of taxes are vested in the treasurer of the board. R.S.O. 1970, c. 425, s. 3.

Where tax
arrears
procedures
of R.S.O.
1970, c. 118,
in effect

4.—(1) Where, in the opinion of the Minister, it is desirable to establish and maintain a secondary school on lands held by the Crown in right of Canada or Ontario, or an agency thereof, or on other lands that are exempt from taxation for school purposes, the Minister may designate any portion of such lands as a secondary school district, and may appoint as members of the board such persons as he considers proper, and the board so appointed is a corporation by the name indicated in the order establishing the secondary school district, and has all the authority of a secondary school board for the purposes of this Act.

On exempt
land

Board of
education for
secondary
school district
on exempt
lands

(2) Where a secondary school district has been established under subsection 1, the Minister may authorize the formation of a board of education for the district, and may provide for the composition of the board and the term or terms of office of the members thereof, and for all other purposes the provisions of Part III apply to the board. R.S.O. 1970, c. 425, s. 4.

Trustee,
qualification

5.—(1) Subject to subsection 2, a person is qualified to be elected or appointed as a trustee of a secondary school board,

- (a) who is a Canadian citizen;
- (b) who is of the full age of eighteen years;
- (c) who is a resident in the secondary school district; and
- (d) who is a ratepayer of the secondary school district. R.S.O. 1970, c. 425, s. 5 (1); 1971, c. 98, s. 4, Sched., par. 29.

dis-
qualification

(2) A person is not qualified to be elected or appointed as a trustee of a secondary school board,

- (a) who is,
 - (i) a member of any other elementary school board or board of education, or
 - (ii) a member of the council of a municipality or county all or part of which is included in the secondary school district, or
 - (iii) an elected member of a local board of a municipality or county all or part of which is included in the secondary school district,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality or county, as the case may be, or

- (iv) on the effective date of his election or appointment, a member of another secondary school board;
- (b) who is the clerk or treasurer of a municipality or county all or part of which is included in the secondary school district;
- (c) who is otherwise disqualified under this or any other Act; or
- (d) if any portion of the taxes levied for school purposes for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of election or appointment, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of

the property, and the rental therefor is not overdue and unpaid at the time of election or appointment.

(3) A person is qualified to act as a trustee during the term for which he was elected or appointed so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a* to *d* of subsection 2.

Qualification
to act as
trustee

(4) The following persons shall be deemed ratepayers under clause *d* of subsection 1;

Persons
deemed
ratepayers

- (a) a person whose name is entered on the last revised assessment roll;
- (b) the husband or wife of a person assessed as actual owner or tenant of land in the secondary school district for an amount sufficient to entitle him or her to vote at municipal elections;
- (c) the son or daughter of a person assessed as the owner of a farm in the secondary school district if he or she is resident on the farm with the assessed owner; and
- (d) the husband or wife of a person assessed in territory without municipal organization as the owner of a farm in the secondary school district if he or she resides on the farm with the assessed owner.

(5) For the purposes of this section, "farm" means not less than twenty acres of land in the actual occupation of the owner thereof. R.S.O. 1970, c. 425, s. 5 (2-5).

Interpre-
tation

6.—(1) Every secondary school board shall provide adequate accommodation for its pupils and shall establish and maintain a secondary school in the secondary school district in which it has jurisdiction and may establish and maintain such additional secondary schools as the board considers necessary and may provide for the location, erection, maintenance and management of the schools so established.

Establish-
ment and
maintenance
of schools

(2) Notwithstanding subsection 1, the board of a secondary school district may, in lieu of establishing and maintaining a school, enter into an agreement with another secondary school board to provide for the instruction of its pupils in the schools under the jurisdiction of that board and for the payment of fees in respect of such pupils. R.S.O. 1970, c. 425, s. 6.

Exceptions

7.—(1) Where a municipality or county has raised money for the purposes of a secondary school board by the issue and sale of debentures, or by the hypothecation of debentures or temporary financing pending the sale of debentures, it shall pay over such money to the board from time to time as the board may require.

Payment
to school
boards

(2) Where debentures are issued by a municipality or county on behalf of a board, the expenses of preparing and publishing any

Expenses
re issuing
debentures

by-laws or debentures, and all other expenses incident thereto, shall be charged to the board on whose behalf the debentures were issued, and the amount of the expenses may be deducted from the amount received from the sale of the debentures or from any school rates collected by the municipal council for the board. R.S.O. 1970, c. 425, s. 7.

Estimates

3.—(1) Every secondary school board in each year shall prepare and adopt and submit to the council of each municipality all or part of which is included in the secondary school district, estimates of all sums required during the year for the purposes of the board, and such estimates,

- (a) shall set forth the estimated revenues and expenditures of the board;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii, and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act* shall not exceed a sum calculated at two mills in the dollar upon the total assessment of the secondary school district according to the last revised assessment roll, and for further expenditures if such further expenditures are approved in the manner provided for approving debentures for permanent improvements;
- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.

R.S.O. 1970,
c. 424

Rates for current purposes

(2) The council of each municipality, all or part of which is included in a secondary school district, shall levy and collect each year and pay to the secondary school board such sums as may be required by the board for secondary school purposes, in such instalments and at such times as are provided in section 34, which section applies *mutatis mutandis*. R.S.O. 1970, c. 425, s. 8 (1, 2).

Municipality to account for moneys

(3) The council of each municipality shall annually account for all moneys collected for secondary school purposes, and any sum collected in excess of the amount required by the board to be raised by the municipality for such purposes shall, except where otherwise provided in the Act under which the sum is collected, be retained by the municipality and applied to reduce the amount that the municipality is required by such board to raise for such purposes in the year next following. 1971, c. 68, s. 2.

9.—(1) All property heretofore granted or devised to, acquired by or vested in any person or corporation for the secondary school purposes of any locality, or that may hereafter be so granted, devised, acquired or vested is vested in the board having jurisdiction in such locality.

Secondary
school
property
vested in
trustees

(2) The board has power to sell, convey, transfer or lease such property, or any part thereof, or any property otherwise acquired by the board, upon the adoption of a resolution by the board that the property is no longer required for secondary school purposes, and the proceeds of such sale, transfer or lease shall be applied for secondary school purposes.

Power to
sell, lease,
etc.

(3) Where a board sells, conveys, transfers or leases any such property, the secretary of the board shall immediately advise the Minister as to the disposition of the proceeds. R.S.O. 1970, c. 425, s. 9.

Notice to
Minister

PART II

VOCATIONAL SCHOOLS

10. In this Part, “board” means a secondary school board or board of education. R.S.O. 1970, c. 425, s. 10.

Interpre-
tation

11.—(1) Subject to the approval of the Minister, a board may establish and maintain a vocational school.

Establish-
ment of
vocational
schools

(2) A vocational school under this Part may provide,

Courses
of study

- (a) full-time day courses of study;
- (b) part-time day courses of study;
- (c) evening courses of study.

(3) A board that has established a vocational school may establish special vocational schools or classes for the purpose of providing vocational education for pupils of thirteen years of age and over who have been in attendance in special education classes or who are eligible for admission to such classes. R.S.O. 1970, c. 425, s. 11.

Special
vocational
schools and
classes

12.—(1) Upon the recommendation of the vocational school principal and with the approval of the advisory committee, pupils who have successfully completed grade 7 at an elementary school may be admitted to any pre-vocational school course of study at a vocational school.

Admission
of pupils,
to pre-
vocational
school
courses

(2) Subject to the regulations, pupils of thirteen years of age and over who have been in attendance in special education classes, or who are eligible for admission to such classes, may, on the recommendation approved by the Minister of an examining board constituted by the Minister for the purpose, be admitted to special vocational schools or classes.

to special
vocational
schools and
classes

- Idem (3) Subject to the regulations, a resident pupil,
 R.S.O. 1970, c. 424 (a) who is required to attend school under *The Schools Administration Act*; and
 (b) in respect of whom a recommendation that he attend a special vocational school or class established by the school board has been made and approved under subsection 2,
 may be required by the school board to attend any such special vocational school or class.
- Admission of adults (4) Where the vocational school principal is satisfied that an adult is competent to receive instruction, the adult may, without regard to his school standing, be admitted,
 (a) to a special full-time day course of study;
 (b) to a part-time day course of study; or
 (c) to an evening course of study.
- Transfer from pre-vocational courses (5) Where a pupil has,
 (a) attended pre-vocational school classes in a vocational school for at least one year; and
 (b) made progress in his course of study satisfactory to the principal,
 he may, with the approval of the principal, transfer to any other course of study in the vocational school. R.S.O. 1970, c. 425, s. 12.
- Advisory vocational committee **13.**—(1) Where, in accordance with the regulations, one or more schools to which this Part applies are established by a board, the schools shall be under the management and control of the board, and the board shall appoint an advisory vocational committee and shall consider recommendations submitted to it by the committee.
- Composition (2) The committee shall consist of five, eight or twelve members as the board may determine.
- Idem (3) Where the committee is to consist of five members, it shall be composed of,
 (a) the chairman and two trustees;
 (b) one person, appointed by the board, who is an employee in manufacturing, agricultural, commercial or other industry; and
 (c) one person, appointed by the board, who is an employer of labour or the director of a company employing labour in manufacturing, agricultural, commercial or other industry.

(4) Where the committee is to consist of eight members, it shall be composed of, Idem

- (a) the chairman and three trustees;
- (b) two persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) two persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

(5) Where the committee is to consist of twelve members, it shall be composed of, Idem

- (a) the chairman and five trustees;
- (b) three persons, appointed by the board, who are employees in manufacturing, agricultural, commercial or other industries; and
- (c) three persons, appointed by the board, who are employers of labour or directors of companies employing labour in manufacturing, agricultural, commercial or other industries.

(6) Where, in the opinion of a board, representation on a committee would be desirable from any business or occupation not referred to in subsection 3, 4 or 5, the board may appoint, in lieu of a person referred to in clause *b* or *c* of subsection 3, 4 or 5, an employee or an employer or director of a company, as the case may be, engaged in such business or occupation. Appoint-
ments from
other
occupations

(7) Where a vocational school is built under a technical and vocational training agreement entered into by Canada and the Province of Ontario in one secondary school district on the understanding that it will serve two or more secondary school districts, the composition of the committee shall be determined, subject to the approval of the Minister, by the boards concerned. Where
school under
technical and
vocational
training
agreement
R.S.O. 1970, c. 425, s. 13.

14.—(1) The first members of the advisory vocational committee shall be appointed at the meeting of the board at which a school is established for which the committee is to be appointed. Appoint-
ment of
members

(2) The members of the committee who are members of the board shall hold office until the expiry of the period for which they were elected or appointed to the board. Tenure of
office

(3) The term for which the other members of the committee shall respectively hold office shall be fixed by the board but shall not exceed three years. Idem

(4) The board, at its first meeting in each year after the Vacancies

establishment of the school, shall appoint a sufficient number of members from each class to fill the vacancies caused by the expiry of the term of office of members appointed from that class.

Idem (5) Every vacancy upon a committee occasioned by death, removal or other cause shall be filled by the appointment by the board of some person from the class in which the vacancy occurs, and every person so appointed shall hold office for the unexpired portion of the term of the member whose seat has become vacant.

Quorum (6) The presence of a majority of the members constituting a committee is a quorum at any meeting, and a vote of the majority of the quorum is necessary to bind a committee.

Chairman voting (7) On every question, other than the election of a chairman, the chairman or presiding officer of the committee may vote with the other members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived. R.S.O. 1970, c. 425, s. 14.

Co-opted members **15.**—(1) The advisory vocational committee may, in any year at a meeting that has been specially called for the purpose and of which notice has been given to all the members, appoint such additional members of the committee, to be known as co-opted members, as it considers necessary.

Idem (2) In the appointment of co-opted members, an equal number of persons shall be appointed from each of the classes mentioned in clauses *b* and *c* of subsection 3 of section 13 or in clauses *b* and *c* of subsection 4 of section 13, as the case requires, and a number of members of the board shall be appointed equal to the total number of additional persons appointed from the said classes.

Term of office (3) Co-opted members shall hold office for the calendar year in which they are appointed. R.S.O. 1970, c. 425, s. 15.

Qualifications of members **16.** The appointed members and co-opted members of the advisory vocational committee shall, in addition to their technical or business qualifications, have the qualifications required for the members of the board by which they are appointed. R.S.O. 1970, c. 425, s. 16.

Powers of committee **17.**—(1) The advisory vocational committee shall make recommendations to the board with respect to a suitable site, building and equipment, or for the conducting of a school in another building in the secondary school district, and with respect to courses of study.

Idem (2) The advisory vocational committee shall make recommendations to the board with respect to the selection and salary schedules of vocational teachers and shall co-operate with the building, education, finance, property, salary and other commit-

tees of the board in all matters affecting vocational education in the vocational and composite schools under the jurisdiction of the board.

(3) The board shall not refuse its approval of any report of the committee without having given the committee an opportunity to be heard before the board and before any committee thereof to which the report is referred by the chairman of the committee or by another member of the committee appointed for that purpose. When approval withheld

(4) The secretary and other officers of the board shall be the officers of the committee. Officers of committee

(5) Subject to the approval of the Minister, the board, upon the recommendation of the committee, may appoint one or more officers with qualifications approved by the Minister to bring to the attention of employers and employees the work of the schools, and to make the necessary arrangements among employers, employees and the schools for the conduct of part-time or co-operative classes, and, in general, to act as a co-ordinating officer or officers between the local industries and the schools, and every person so appointed is subject to the control of the board. R.S.O. 1970, c. 425, s. 17. Co-ordinating officers

18.—(1) Subject to the regulations, the estimates of the advisory vocational committee of the cost of establishing, equipping and maintaining the school or schools when and so far as they have been approved by the board, shall be included in the estimates of the board submitted to the municipal council or councils for the year. Estimates

(2) Subject to the regulations, the cost of establishing, equipping and maintaining vocational schools, and the cost of permanent improvements thereof, shall be provided for in the same manner as in the case of secondary schools. R.S.O. 1970, c. 425, s. 18. Provision of moneys

19. Where not inconsistent with this Part, Parts I, III and VI and *The Schools Administration Act* apply in all matters concerning the operation and management of a vocational school, the property in connection therewith, the employment and retirement of teachers and other persons employed in such vocational school, and in any other matters whatsoever. R.S.O. 1970, c. 425, s. 19. Application of Pts. I, III, VI and R.S.O. 1970, c. 424

PART III

BOARDS OF EDUCATION

20. In this Part, "board of education" means a board of education other than a divisional board established under Part IV. R.S.O. 1970, c. 425, s. 20. Interpretation

Establish-
ment and
status of
board

21.—(1) A board of education may be established in a secondary school district to perform the duties of a secondary school board for the district and the duties of a public school board for the school section or sections situated within the boundaries of the district, and where a board of education is established,

- (a) for secondary school purposes, it shall be deemed to be a secondary school board for the purposes of this and every other Act; and
- (b) for public school purposes, it shall be deemed to be a public school board for the purposes of this and every other Act,

except where inconsistent with this Part.

Powers and
duties of
board

(2) Every board of education is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon a public school board or a secondary school board.

Name of
board

(3) The name of a board of education that has jurisdiction in one municipality is "The Board of Education for the.....of....." (*inserting the name of the municipality*).

Idem

(4) The name of a board of education that has jurisdiction in more than one municipality is "The..... District Board of Education" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1970, c. 425, s. 21 (1-4).

Members to
be trustees

(5) A member of a board of education elected by separate school supporters, appointed by a separate school board, or appointed by the remaining members elected by separate school supporters in the case of a vacancy, is a trustee for secondary school purposes only and shall not vote on matters that affect public schools exclusively, and all other members of a board of education are trustees for public and secondary school purposes. 1971, c. 68, s. 3.

Assets,
liabilities
etc.

22. Upon the organization of a board of education,

- (a) the secondary school board and all public school boards in the secondary school district are dissolved;
- (b) all the property vested in such boards becomes vested in the board of education; and
- (c) all debts, contracts, agreements and liabilities for which such boards were liable become obligations of the board of education. R.S.O. 1970, c. 425, s. 22.

Appropriation
of
property

23. A board of education may appropriate any property acquired by it or in its possession or control for any of the purposes

of the board but, where public school property is appropriated for secondary school purposes, the public school board shall be credited with the value of the property so appropriated and, where secondary school property is appropriated for public school purposes, the secondary school board shall be credited with the value of the property so appropriated. R.S.O. 1970, c. 425, s. 23.

24.—(1) Where a board of education is established for one municipality that is not a school division or part of a school division, the members of the board shall be elected as provided in section 37, which section applies *mutatis mutandis*, except that the number of members to be elected by the separate school supporters shall be,

Composition
of boards
of education

- (a) where the population of the municipality is 50,000 or more, not fewer than two; and
- (b) where the population of the municipality is less than 50,000, not fewer than one.

(2) The provisions of section 39 in respect of the qualifications and disqualifications of members of a divisional board of education apply to members of a board of education established under this Part.

Qualification
and dis-
qualification

(3) Notwithstanding subsection 2, a member of a board of education who was elected or appointed prior to the 1st day of January, 1970, shall not be disqualified in respect of his place of residence so long as he maintains the residence qualification required of him at the time of his election or appointment.

Exception

(4) Subject to subsection 5, where the office of a member of a board of education becomes vacant from any cause before the expiration of his term, it shall be filled in the manner provided for filling a vacancy on a divisional board of education.

Filling
vacancies

(5) Where, before the election next following the 1st day of January, 1970, a vacancy occurs in the office of a member of a board of education who was appointed by a separate school board, such separate school board shall appoint a member to fill the vacancy, and the person so appointed shall hold the qualifications required of a member of a board of education elected by separate school supporters. R.S.O. 1970, c. 425, s. 24.

Filling
vacancies
prior to
next election

25.—(1) Every board of education having jurisdiction over more than one secondary school, with the approval of the Minister, may,

Special and
advanced
courses of
study in
secondary
schools

- (a) make such modifications of the school courses provided in the secondary schools under its jurisdiction as it considers expedient;
- (b) provide for special or advanced instruction in any of such courses;

- (c) designate such schools, or any of them, according to the course or courses of instruction provided therein.

Application
of regula-
tions

- (2) The accommodations and equipment of the school and the qualifications of the staff are subject to the regulations. R.S.O. 1970, c. 425, s. 25.

Application
of
R.S.O. 1970,
c. 385

- 26.** The provisions of *The Public Schools Act* and Parts I, II and VI that are not inconsistent with this Part shall be read as part of this Part and so far as such provisions are inconsistent with the provisions of this Part they do not apply to boards of education. R.S.O. 1970, c. 425, s. 26.

PART IV

DIVISIONAL BOARDS OF EDUCATION

Interpre-
tation

- 27.**—(1) In this Part,

- (a) “city” includes a separated town, but does not include a defined city or an area municipality as defined in *The Municipality of Metropolitan Toronto Act* or in *The Regional Municipality of Ottawa-Carleton Act*;
- (b) “county” includes a provisional county and a united county;
- (c) “county municipality” means a municipality that forms part of a county for municipal purposes and includes a municipality, other than a city, that forms part of a regional municipality;
- (d) “defined city” means,
 - (i) the City of Hamilton,
 - (ii) the City of London, and
 - (iii) the City of Windsor,
- (e) “district municipality” means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act*.
- (f) “divisional board” means a divisional board of education established under this Part;
- (g) “public school elector” in a school division means,
 - (i) in a municipality, a person whose name is entered on the last revised voters’ list as qualified to vote at the municipal elections of the municipality, but does not appear thereon as a supporter of a separate school for Roman Catholics, and
 - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years and a British subject and whose name is entered on the last revised assessment roll for such territory,

R.S.O. 1970,
cc. 295, 407

R.S.O. 1970,
c. 131

except a person who is a Roman Catholic and whose name is entered on such roll as a separate school supporter;

- (h) "school division" means a school division established by or under this Part;
- (i) "separate school supporter" in a school division means,
 - (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school for Roman Catholics, and
 - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of separate schools.

(2) This Part does not apply to a board, school section or high or secondary school district heretofore or hereafter established under section 12 of *The Public Schools Act* or under section 4 of this Act or a predecessor of any such section.

Application to schools on exempt land
R.S.O. 1970, c. 385

(3) For the purposes of this Part, the County of Essex includes Pelee Island.

Essex county

(4) For the purposes of this Part,

- (a) every school section in existence on the 31st day of December, 1968 that comprised only territory without municipal organization, except a school section established under section 12 of *The Public Schools Act* or under subsection 4a of section 51 of the *Secondary Schools and Boards of Education Act*;
- (b) any part of territory without municipal organization that on the 31st day of December, 1968 was part of a high school district but was not in a school section; and
- (c) any part of territory without municipal organization that is designated by the regulation made under subsection 2 of section 28 as part of a school division and on the 31st day of December, 1968 was not in a school section or in a high school district,

Territory without municipal organization deemed district municipality

R.S.O. 1960, cc. 330, 362

shall be deemed to be a district municipality.

(5) The divisional board of a school division that includes territory without municipal organization that is deemed a district municipality shall exercise the powers and duties of a municipal council for such district municipality with respect to preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the divisional board and with respect to the preparation of a voters' list and the election of members of the

Powers and duties of divisional board re territory without municipal organization

divisional board and all the officers appointed by the divisional board have the same powers and duties as similar officers in an organized municipality and the provisions of subsections 6 to 11 of section 3 apply *mutatis mutandis*, and the expenses incurred by the board in connection therewith except the issuing of debentures shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality.

Rates for
public
library in
unorganized
territory in
school
division
R.S.O. 1970,
c. 381

(6) Where a public library has been established for a school section in territory without municipal organization that is deemed a district municipality within a school division under subsection 4, the divisional board of the school division shall be deemed to be a municipal council for such district municipality under section 23 of *The Public Libraries Act*, and the amount of the estimates of the board of the public library appropriated for such board by the divisional board of the school division shall be raised by a levy imposed by the divisional board on all the rateable property in the district municipality.

Parts of
territory
without
municipal
organization
attached to
municipality

(7) Subject to subsection 8, where any part of territory without municipal organization is now attached for public school purposes to a municipality, such part of territory without municipal organization shall, for public and secondary school purposes, be deemed to be attached to such municipality for the purposes of this Part, and the officers of such municipality shall collect all taxes and do all such other acts and perform all such duties and be subject to the same liabilities with respect to the part of the territory without municipal organization forming part of the school division as with respect to any part of the school division that is within the municipality, and subsection 2 of section 40 of *The Public Schools Act* applies *mutatis mutandis*.

R.S.O. 1970,
c. 385

Idem

(8) Where any part of territory without municipal organization is attached under subsection 7 to a municipality, and such part is included under subsection 9 of section 38 with one or more municipalities in a combined area for the election of one or more members of the divisional board and the combined area does not include the municipality to which such part is so attached, such part for the purposes of subsection 7 shall be deemed to be attached to the municipality that has the greatest residential and farm assessment in the combined area according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs.

Elections in
improve-
ment
districts

(9) The trustees of an improvement district that forms all or part of a school division, in each year in which an election for members of the divisional board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality and the secretary-treasurer of the improvement district shall be the clerk and

returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the preparation of a voters' list and the election of members of a divisional board under *The Municipal Act* and *The Voters' Lists Act* which apply *mutatis mutandis*. R.S.O. 1970, c. 425, s. 27. R.S.O. 1970,
cc. 284, 486

28.—(1) On and after the 1st day of January, 1969,

- (a) every defined city; and
- (b) every county, including all municipalities situate therein, except,
 - (i) a defined city, and
 - (ii) an area municipality as defined in *The Municipality of Metropolitan Toronto Act* or in *The Regional Municipality of Ottawa-Carleton Act*,

School
divisions,
in counties

R.S.O. 1970,
cc. 295, 407

is a school division.

(2) The Lieutenant Governor in Council may by regulation,

- (a) designate any area in the territorial districts as a school division;
- (b) assign a name to the divisional board for each such school division;
- (c) alter the boundaries of any such school division, and where any part of territory without municipal organization is attached to such a school division, designate such part as a district municipality or attach it to a district municipality.

in terri-
torial
districts

(3) For the purposes of every Act, a school division shall be deemed to be a school section and a secondary school district. R.S.O. 1970, c. 425, s. 28.

deemed
public
school
section
and
secondary
school
district

29.—(1) A divisional board of education shall be established in each school division, and the members of the board shall be elected and the board organized in accordance with this Part.

Divisional
boards
establish-
ment

(2) Every divisional board is a corporation and has all the powers and shall perform all the duties that by this or any other Act are conferred or imposed upon a public school board or a secondary school board, and, except where inconsistent with this Part, for the purposes of every Act, shall be deemed to be,

Powers and
duties

- (a) a secondary school board for secondary school purposes; and
- (b) a public school board for public school purposes.

(3) The name of a divisional board that has jurisdiction in a defined city is "The Board of Education for the City of " *(inserting the name of the defined city)*.

Name of
board,
defined
city

county

(4) The name of a divisional board that has jurisdiction in one county is "The County Board of Education" (*inserting the name of the county*).

regional
municipality

(5) Except where expressly provided in any other Act, the name of a divisional board that has jurisdiction in all or part of a regional municipality is the "..... Board of Education" (*inserting a name selected by the board and approved by the Minister*).

territorial
districts

(6) The name of a divisional board that has jurisdiction in the territorial districts is "The Board of Education" (*inserting the name assigned by the regulations*). R.S.O. 1970, c. 425, s. 29 (1-6).

Members
to be
trustees

(7) A member of a divisional board who is,

(a) elected by separate school supporters; or

(b) appointed, in the case of a vacancy,

(i) by the remaining members elected to the divisional board by separate school supporters, or

(ii) by a separate school board,

is a trustee for secondary school purposes only and shall not vote on a motion that affects public schools exclusively, and all other members of a divisional board are trustees for public and secondary school purposes. 1971, c. 68, s. 4.

Interpre-
tation

30.—(1) In this section, "board" means a public school board, high school board, collegiate institute board, board of education or continuation school board.

(2) Upon the organization of a divisional board of a school division of a defined city and in respect of divisional boards of all other school divisions on the 1st day of January, 1969,

(a) all boards that have jurisdiction wholly or partly in the school division are dissolved;

(b) subject to subsection 4, all real and personal property vested in such boards and situate in the school division becomes vested in the divisional board;

(c) all debts, contracts, agreements and liabilities for which such boards were liable, except employment contracts with teachers, become obligations of the divisional board or boards as provided by the arbitrators under subsections 3 and 4;

(d) the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and the audited surplus or deficit as at the 31st day of December, 1968, of each such board shall accrue

to the credit of, or become the responsibility of, the assessment supporting such board on the 31st day of December, 1968, and shall be apportioned by the arbitrators under this section among the municipalities or parts thereof comprising the area of jurisdiction of such board in the same proportion as the requisition for the year 1968 was apportioned among such municipalities or parts;

- (e) the employment contract of every teacher who, immediately before the 1st day of January, 1969, was required to teach only in one or more schools included in the school division becomes an obligation of the divisional board of the school division; and
- (f) the employment contract of every teacher who, immediately before the 1st day of January, 1969, was required to teach in one or more schools in the school division and in one or more schools in one or more other school divisions becomes an obligation of such divisional board as is provided by the arbitrators under subsection 4.

(3) Each divisional board shall, on or before the 15th day of Arbitration March, 1969, appoint three or five arbitrators, who are not members of the divisional board or of a municipal council that has jurisdiction in the school division, who shall value and adjust in an equitable manner the assets and liabilities, as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, of the boards that, before they were dissolved under subsection 2, had jurisdiction wholly in the school division in which the divisional board has jurisdiction.

(4) Where a board that is dissolved under subsection 2 had Idem jurisdiction in an area that after the 1st day of January, 1969, forms part of two or more school divisions, each divisional board shall, on or before the 15th day of March, 1969, designate two of the arbitrators appointed by it under subsection 3 who shall collectively value and adjust in an equitable manner the assets and liabilities of such boards as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner the obligations under clauses *c* and *f* of subsection 2.

(5) The arbitrators under subsection 4 shall appoint an additional arbitrator, and if the arbitrators fail to make such appointment before the 1st day of April, 1969, the Minister may make Appointment of additional arbitrator such appointments.

(6) Where a majority of the arbitrators is unable to reach a Referral to O.M.B. decision on any matter, such matter shall be referred by the divisional board or boards to the Ontario Municipal Board whose decision is final.

Decision of
arbitrators

(7) The decision of a majority of the arbitrators under subsection 3 or 4 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 2 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 9, every such decision is final.

Implemen-
tation of
decision

(8) A decision under subsection 3 or 4 or an amended decision under subsection 9 shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of,

- (a) a decision in respect of a teacher's contract under clause *f* of subsection 2; or
- (b) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

Amended
decision

(9) Where, subsequent to the decision of the arbitrators referred to in subsection 7, a matter or condition that was not evident at the time the decision was made is brought to the attention of the divisional board before the 30th day of September, 1970, the divisional board, where no part of the decision, other than a decision in respect of a teacher's contract under clause *f* of subsection 2, has been implemented before the 15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 6 apply *mutatis mutandis*.

Vacancy in
arbitrators

(10) For the purposes of subsection 9, where an arbitrator appointed under subsection 3, 4 or 5 is unable for any reason to act, a person qualified in accordance with subsection 3 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

Sick leave
credits

(11) Where an employee of a board that, before the 1st day of June, 1968, has established a sick leave credit plan becomes, on the 1st day of January, 1969, an employee of a divisional board, the divisional board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board.

Fees for
arbitrators
R.S.O. 1970,
c. 424

(12) Notwithstanding subsection 4 of section 102 of *The Schools Administration Act*, each arbitrator appointed under this section shall be paid such fee for his services as is determined by the divisional board that appointed him. R.S.O. 1970, c. 425, s. 30.

31.—(1) Every divisional board in each year shall prepare and adopt estimates of all sums required during the year for public school purposes and for secondary school purposes respectively, and such estimates, Estimates

- (a) shall set forth the estimated revenues and expenditures of the board including debt charges payable by the divisional board or on its behalf by the council of a municipality or a county;
- (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
- (c) shall provide for any deficit of any previous year;
- (d) may provide for expenditures for permanent improvements, provided that the total of expenditures for permanent improvements referred to in subparagraphs i, ii, iii and vii of paragraph 18 of subsection 2 of section 1 of *The Schools Administration Act*,

R.S.O. 1970,
c. 424

- (i) for secondary school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs, and
 - (ii) for public school purposes shall not exceed a sum calculated at one mill in the dollar upon the total assessment of the taxable property of public school supporters in the school division upon which taxes were levied in the preceding year as equalized by the application of the equalization factor provided by the Department of Municipal Affairs,

and such assessment shall be that on which taxes were levied in the year preceding the year for which the estimates are adopted;

- (e) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided,

and shall submit to the council of each municipality in the school division on or before the 1st day of March in each year a statement indicating the amount of the estimates for public school purposes and for secondary school purposes to be raised by each municipality and a requisition of the amount of the estimates for public school purposes and for secondary school purposes required to be raised by the municipality.

(2) Where, in any year, a divisional board is unable to submit the statement and requisition required under subsection 1 to the council of each municipality in the school division on or before the

Where
estimates
submitted
after Mar.
1st

1st day of March, the later submission thereof does not relieve the council of its duty under subsection 1 of section 34 to levy and collect the amount required by the divisional board.

Where cost of separate levy payable by divisional board

(3) Where, in the year 1971 and in any year thereafter, the council of a municipality is required, by reason of receiving the requisition of a divisional board under subsection 1 after the 1st day of March, to levy the amount required by the divisional board by a separate levy from the amount levied for municipal purposes, the divisional board, on the request of the treasurer of the municipality, shall pay to the treasurer the cost of levying the amount required by the divisional board.

Application of R.S.O. 1970, c. 284, s. 307, subs. 5

(4) Subsection 5 of section 307 of *The Municipal Act* does not apply to divisional boards. R.S.O. 1970, c. 425, s. 31.

Interpretation

32.—(1) In this section,

- (a) “assessment” means the assessment upon which taxes are levied in the year preceding the year in which the proportion to be determined will be payable;
- (b) “equalization factor” means the equalization factor, based on the assessment referred to in clause *a*, provided by the Department of Municipal Affairs;
- (c) “equalized assessment” means the assessment as adjusted by the application of the equalization factor.

Apportionment where unorganized territory becomes part of school division

(2) Where in any year territory without municipal organization is included in a school division and property therein is assessed for the first time for the purpose of levying rates and collecting taxes for school purposes, such assessment shall, for the purposes of apportionment of costs for that year under this section, be the assessment on which taxes are levied in that year and a request for arbitration under subsection 11 may be made within thirty days after receiving the apportionment from the divisional board.

Apportionment, secondary school purposes

(3) The sum required by a divisional board for secondary school purposes shall be apportioned among the municipalities in the school division in the proportion that the equalized assessment of the property rateable for secondary school purposes in each such municipality bears to the equalized assessment of all the property rateable for secondary school purposes in the school division.

Apportionment, public school purposes

(4) The sum required by a divisional board for public school purposes shall be apportioned among the municipalities in the school division in the proportion that the equalized assessment of the property rateable for public school purposes in each such municipality bears to the equalized assessment of all the property rateable for public school purposes in the school division.

(5) Where in respect of any year, the council of a municipality is of the opinion that the apportionment made under subsection 3 or 4 imposes an undue burden on the ratepayers of the municipality or of part thereof, the council may apply to the divisional board, within thirty days after receiving the apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality or part thereof shall bear in such year. Request for arbitration

(6) The request for arbitration under subsection 5, in respect of the year 1969, may be made to the divisional board before the 1st day of March, 1969, and where the decision under this section results in an adjustment of the apportionment under subsection 3 or 4 for the year 1969, an underpayment or an overpayment by a municipality with respect to the apportionment for the year 1969 shall be adjusted in the levy for the year 1970. for year 1969

(7) Upon receipt of the application, the divisional board shall direct its secretary to call a meeting of the treasurer of the county and the treasurers of the municipalities within the school division, and these treasurers shall be arbitrators to determine the proportion of the amounts to be raised by each municipality. Arbitrators

(8) The arbitrators shall make their decision in writing and file a copy thereof with the secretary of the divisional board who shall forthwith send a copy of the decision to the clerk of each municipality by registered mail. Notification of decision

(9) If, within thirty days of the mailing of the copies of the decision by the secretary, the council of one of the municipalities files with the secretary a written objection to the decision of the arbitrators, the divisional board shall refer the matter to the Ontario Municipal Board whose decision is final. Reference to O.M.B.

(10) The decision of the arbitrators, or, if the matter is referred to the Ontario Municipal Board, the decision of the Ontario Municipal Board, is effective for the year in respect of which the decision is made. Effect of decision

(11) In territory without municipal organization that is deemed to be a district municipality in a school division, five ratepayers resident in such district municipality have the same powers as the council of a municipality under subsections 5 and 9 and may appoint one ratepayer to act as treasurer for the purposes of this section and, where any disagreement arises in respect of such appointed treasurer, the secretary of the divisional board shall designate the person so to act. Territory without municipal organization

(12) Where in respect of any year a municipality in a school division has, under section 34, levied the amounts that were requisitioned by the divisional board and such amounts are altered by a decision of the arbitrators or by a decision of the Adjustment as result of arbitration

Ontario Municipal Board, an overpayment or an underpayment in respect of the municipality or part, resulting from such alteration, shall be adjusted in the levy for the following year. R.S.O. 1970, c. 425, s. 32.

Interpre-
tation

33.—(1) In any regulation made under this section, except where otherwise provided in the regulation, assessment, equalization factor and equalized assessment have the same meaning as in section 32.

Regulations
for appor-
tionment
in year 1970
and any
subsequent
year

(2) The Lieutenant Governor in Council may make regulations providing for the apportionment of the sums required by a divisional board for secondary school purposes and for public school purposes for the year 1970 and any subsequent year among the municipalities or parts thereof in the school division.

Appor-
tion-
ment

(3) Notwithstanding subsections 3 and 4 of section 32, the sums required by a divisional board for secondary school purposes and for public school purposes for any year to which a regulation passed under this section is applicable shall be apportioned among the municipalities or parts thereof in the school division in accordance with such regulation.

Where
estimated
data used

(4) Where, in making the apportionment in accordance with the regulations, estimated data are used, an overpayment or an underpayment by a municipality or part, determined on the basis of actual data, shall be adjusted in the levy for the following year.

Application
of grants
R.S.O. 1970,
c. 111

(5) Where the regulations made under *The Department of Education Act* provide for a grant to a divisional board on behalf of a part of a territorial district that in the year 1968 was not included in a secondary school district, such grant shall be applied to reduce the sum required to be raised under this section in such part of the territorial district.

Request for
arbitration

(6) Where the council of a municipality is of the opinion that the apportionment made under this section imposes an undue burden on the ratepayers of the municipality or part, the council may apply to the divisional board, within thirty days after receiving such apportionment from the divisional board, for an arbitration to determine the proportion of the sums required for public school purposes and for secondary school purposes that each municipality shall raise in respect of the year for which the request for an arbitration is made, and the provisions of subsections 7 to 12 of section 32 apply *mutatis mutandis*. R.S.O. 1970, c. 425, s. 33.

Rates

34.—(1) The council of each municipality in a school division in each year shall levy and collect,

- (a) upon all the property rateable for public school purposes in the municipality the amount that it is required by the divisional board to raise for public school purposes; and

- (b) upon all the property rateable for secondary school purposes in the municipality the amount that it is required by the divisional board to raise for secondary school purposes.

(2) Subject to subsection 3, the council of each municipality in a school division in each year shall pay to the divisional board the amounts required to be raised by the municipality for public school purposes and for secondary school purposes, in the following instalments: Payment to boards

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September; and
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalments or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

(3) A divisional board may, by agreement with a majority of the municipalities in the school division where such municipalities represent at least two-thirds of the equalized assessment in the school division, provide for any number of instalments and the amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to all municipalities in the school division and otherwise subsection 2 applies *mutatis mutandis*. Agreement

(4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year, Termination of agreement

- (a) by the secretary of the divisional board as authorized by a resolution of the divisional board; or
- (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the equalized assessment in the school division,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2,

Where instalment due before requisition received

(5) Where in any year, for any reason, the amounts required to be raised under subsection 1 have not been requisitioned before the date upon which an instalment is due, the amount of the instalment shall be based upon the requisition of the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the requisition of the divisional board is received.

Tax notices
R.S.O. 1970,
c. 284

(6) The notice of taxes given by the collector under section 521 of *The Municipal Act* shall be given separately in relation to taxes imposed for school purposes or in such manner as will clearly indicate the taxes imposed for school purposes. R.S.O. 1970, c. 425, s. 34.

Debentures

35.—(1) Subject to the approval of the Ontario Municipal Board, the sums required by a divisional board for permanent improvements may be raised by the issue of debentures by the divisional board in the manner provided for the issue of municipal debentures in *The Municipal Act*, and for the purposes of this section the duties imposed and powers conferred under *The Municipal Act* regarding the issuing of debentures and the use of moneys received from the sale or hypothecation of debentures, upon the Corporation, the head of council and the treasurer respectively are imposed and conferred upon the divisional board, the chairman of the divisional board and the treasurer of the divisional board respectively. R.S.O. 1970, c. 425, s. 35 (1); 1971, c. 68, s. 5 (1).

Temporary advances pending sale of debentures

(1a) The power conferred on a divisional board to issue debentures includes, pending the sale of debentures, the power to agree with a chartered bank or a person for temporary advances from time to time to meet expenditures incurred up to the total of the amount of the debentures authorized by the Ontario Municipal Board and any further amount that has been authorized by the Ontario Municipal Board. 1971, c. 68, s. 5 (2).

Notification of debt charges

(2) The clerk-treasurer or treasurer of each county and municipality in which a divisional board has jurisdiction shall notify the treasurer of the divisional board before the 1st day of January in each year of the amount of the principal and interest due and payable in that year in respect of debentures issued for school purposes by such county or municipality and the dates on which payments are due.

Payment of debt charges for debentures not issued by the board

(3) The treasurer of the divisional board shall pay to every county and municipality on or before the due date of payment the amount of the principal and interest as notified under subsection 2. R.S.O. 1970, c. 425, s. 35 (2, 3).

36.—(1) Every divisional board shall appoint an auditor who shall be a person licensed by the Department of Municipal Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the divisional board.

Appoint-
ment and
dismissal
of auditor

(2) No person shall be appointed as an auditor of a divisional board who is or during the preceding year was a member of the divisional board or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the divisional board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect.

Disqualifi-
cation of
auditor

(3) An auditor of a divisional board shall perform such duties as are prescribed by the Department and by the Department of Municipal Affairs and also such duties as may be required by the divisional board that do not conflict with the duties prescribed by the Department and by the Department of Municipal Affairs.

Duties of
auditor

(4) An auditor of a divisional board has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the divisional board and is entitled to require from the members and officers of the divisional board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

Rights of
auditor

(5) An auditor of a divisional board may require any person to give evidence on oath touching any of such matters, and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Auditor
may take
evidence

R.S.O. 1970,
c. 379

(6) An auditor of a divisional board is entitled to attend any meeting of the divisional board or of a committee thereof and to receive all notices relating to any such meeting that any member is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor.

Auditor
may attend
meetings

(7) The treasurer of every divisional board in every year shall, within one month after receiving the auditor's report on the financial statements of the divisional board, cause to be published or to be mailed or delivered to each ratepayer a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and a statement of revenue and expenditure for the preceding year, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor.

Publication
of financial
statements

(8) Where in any year a tax notice is mailed to each ratepayer before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the

Idem

report under subsection 7 cause to be included with such notice the copy or summary and the report.

Filing of
financial
statements

(9) The treasurer of every divisional board in every year shall prepare the financial statements of the divisional board and, upon receiving the auditor's report thereon, shall forthwith submit two copies of the financial statements together with a copy of the auditor's report to the Department. R.S.O. 1970, c. 425, s. 36.

Composi-
tion of
board for
defined city,
members
elected by
public
school
electors
R.S.O. 1970,
c. 385

37.—(1) Where a school division comprises only a defined city, the members of the divisional board to be elected by public school electors shall be elected in the same manner and number as the trustees of a public school board in an urban municipality, and the provisions of *The Public Schools Act* with respect thereto apply *mutatis mutandis*.

Members
elected by
separate
school
supporters

(2) In addition to the members elected under subsection 1, the separate school supporters in the defined city shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 1 by the ratio of the residential and farm assessment of the property rateable for separate school purposes in the defined city to the residential and farm assessment of the property rateable for public school purposes in the defined city, according to the last revised assessment roll, but in no case shall the number of members to be elected under this subsection be fewer than two.

Election of
members by
separate
school
supporters
in defined
city

(3) The members to be elected under subsection 2 shall be elected as provided in subsection 19 of section 38, which subsection applies *mutatis mutandis*, and otherwise in the same manner as the members under subsection 1.

Term of
office

(4) The members of a divisional board elected under subsections 1 and 2 shall hold office for the same term as the members of council of the defined city and until their successors are elected and a new board organized. R.S.O. 1970, c. 425, s. 37.

Interpre-
tation

38.—(1) In this section,

(a) "equalized residential and farm assessment" means the residential and farm assessment as adjusted by the application of the equalization factor based on the assessment referred to in clause c, provided by the Department of Municipal Affairs;

R.S.O. 1970,
c. 293

(b) "population" means the population as determined under *The Municipal Unconditional Grants Act* for the purposes of that Act;

(c) "residential and farm assessment" for the purposes of subsection 4, 5, 6, 12, 13, 14, 22 or 23 means the

residential and farm assessment upon which taxes are levied in the year in which the determination referred to in such subsection is made and, for the purposes of subsection 21 or 25, means the residential and farm assessment upon which taxes are levied in the year in which nominations are held under subsection 21 or 25.

(2) Subject to subsections 4, 5 and 6, the number of members on a divisional board, except a divisional board of a defined city, shall be determined by the total population of the municipalities, not including any territory without municipal organization that is deemed a district municipality, within the school division, as follows, where the population is,

Composi-
tion of
board for
other than
defined city

- (a) less than 50,000, fourteen members;
- (b) 50,000 or more but less than 100,000, sixteen members;
- (c) 100,000 or more but less than 150,000, eighteen members;
- (d) 150,000 or more, twenty members,

provided that where a school division in the territorial districts comprises fewer than four municipalities, not including any territory without municipal organization that is deemed a district municipality, where the population of such municipalities in the school division is,

- (e) less than 3,500, five members;
- (f) 3,500 or more but less than 5,000, eight members; and
- (g) 5,000 or more but less than 10,000, ten members.

(3) Where it becomes evident from the population of the municipalities in a school division that the number of members on a divisional board should be increased or decreased in accordance with subsection 2, at the next election of members the proper number of members shall be elected.

Change in
number of
members

(4) The public school electors of the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but in no case shall the number of members to be elected under this subsection,

Number of
members
to be
elected by
public
school
electors

- (a) be fewer than six where the number of trustees under subsection 2 is fourteen or more; or
- (b) be fewer than four where the number of trustees under subsection 2 is fewer than fourteen.

Number of
members
to be
elected by
separate
school
supporters

(5) The separate school supporters in the school division shall elect the number of members equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members to be elected under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the school division to the equalized residential and farm assessment of all the rateable property in the school division, but where the product obtained is less than one, one member shall be elected under this subsection.

Number of
members
to be
elected by
public
school
electors in
a school
division in
a city
and in
county or
district
municipalities

(6) In a school division the number of members to be elected by the public school electors,

(a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of members determined under subsection 4 by the ratio of the equalized residential and farm assessment of the property rateable for public school purposes in the city of the equalized residential and farm assessment of all the property rateable for public school purposes in the school division; and

(b) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause *a* for the city or cities, if any, but in no case shall the number of members to be elected under this clause be fewer than one.

When deter-
mination to
be made
under
subss. 4-6

(7) Before the 1st day of September in the year in which an election is to be held, a determination shall be made,

(a) under subsections 4, 5 and 6 if it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or if one or more municipalities are attached to or detached from the school division under subsection 1 of section 45 effective the 1st day of January next following the election;

(b) under subsection 6 if,

(i) the boundaries of one or more cities within the school division have been altered or a new city has been erected in the school division subsequent to the latest determination made under subsection 6 that did not take into account the altered boundaries or the new city, or

(ii) the boundaries of one or more cities within the school division are to be altered or a new city is to be erected effective on the 1st day of January of the year next following the election; and

- (c) under subsections 4, 5 and 6 in every fourth year following the latest determination under subsections 4 and 5,

and a determination made under subsection 4, 5 or 6 is effective until a new determination is required in accordance with this subsection.

(8) Where a city is not entitled to one or more members under clause *a* of subsection 6, the city shall be deemed to be a county or district municipality for the purposes of subsection 6 or 9, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 9.

Where city
does not
qualify for
at least one
member
to be
elected by
public
school
electors

(9) With respect to,

(a) the county municipalities, except those in a regional municipality that are in a school division, the council of the county;

(b) the county municipalities, in a regional municipality that are in a school division, the clerks of the three county municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs; and

Distribution
of members to
be elected by
public school
electors in
county or
district
municipalities

(c) the district municipalities in a school division, the clerks of the three organized district municipalities having successively the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, and the clerk of each town or village in which a secondary school is located in the school division, and, where there are fewer than three organized district municipalities in the school division, the clerks of all such municipalities,

shall determine the municipality or municipalities to be represented by each member to be elected in the school division by the public school electors under clause *b* of subsection 6, but in no case shall the determination provide for a member to be elected by a general vote of all the public school electors of the municipalities other than cities in the school division, and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection 3 or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective the 1st day of January next following the election.

When deter-
mination to
be made

(10) Before the 1st day of September in each year in which an election is to be held, the determination under subsection 9 shall be made if,

- (a) a determination is made in accordance with subsection 7;
- (b) the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under subsection 9, or are to be altered effective the 1st day of January next following the election; or
- (c) the boundaries of the school division are altered, or are to be altered under subsection 2 of section 28 effective the 1st day of January next following the election.

Where judge
to make
deter-
mination

(11) Where the determination is not made before the 1st day of September, the clerk of the county municipality or of the organized district municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor based on such assessment provided by the Department of Municipal Affairs, as the case may be, shall refer the matter to the judge who shall make the determination before the 1st day of October in accordance with subsection 12.

Deter-
mination

(12) In determining under subsection 9,

- (a) the number of members to be elected by the public school electors of a county or district municipality; or
- (b) the county or district municipalities that are to be combined for the election of one or more members by the public school electors of such municipalities,

the council of the county or the clerks of the district municipalities, or the clerks of the county municipalities in a school division in a regional municipality, as the case may be, shall apportion the number of members determined under clause *b* of subsection 6, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

Idem

(13) Notwithstanding subsection 12, where the equalized residential and farm assessment of the property rateable for separate school purposes in a school division in a territorial district is less than 5 per cent of the equalized residential and farm assessment of

all the rateable property in the school division, and where equalized residential and farm assessment of the property rateable for public school purposes in a municipality, expressed as a percentage of the total residential and farm assessment of all such property in the school division, differs by fifteen or more percentage points from the population of the municipality expressed as a percentage of the total population of all the municipalities comprising the school division, the clerks of the district municipalities shall apportion the number of members determined under clause *b* of subsection 6, as nearly as is practicable, in the proportion that the population of a municipality or combined municipalities bears to the total population of all the municipalities comprising the school division, and the right of appeal as provided in subsection 14 shall be based upon population rather than equalized residential and farm assessment, which subsection shall apply *mutatis mutandis*.

(14) Where the determination made under subsection 9 allots to a municipality or to a combination of municipalities a percentage of the total number of members to be elected by the public school electors of all the county or district municipalities in the school division that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for public school purposes in the municipality or combination of municipalities is of the total equalized residential and farm assessment of the property rateable for public school purposes in all the county or district municipalities in the school division, the council of the municipality or the council of any one of such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been sent, appeal the determination to the county or district judge who shall either reapportion the number of members in accordance with subsection 12 or, where he determines that the determination was made in accordance with subsection 12, confirm the determination, and his decision is final.

Appeal from
deter-
mination

(15) The clerk of each city and of each county or district municipality in a school division and the secretary of the divisional board shall provide to the persons required to make a determination under this section, on their request, the information required for such purpose.

Information
for deter-
minations

(16) The clerk of the county and the clerk of the organized district municipality or of the county municipality in a school division in a regional municipality having the greatest residential and farm assessment for public school purposes in the school division according to the last revised assessment roll as adjusted by the application of the equalization factor, based on such assessment, provided by the Department of Municipal Affairs, shall,

By whom
deter-
mination to
be made

- (a) make the determinations required under subsections 2, 4, 5, 6 and 22 with respect to a school division in a county or a regional municipality or in territory without municipal organization, as the case may be; and
- (b) send by registered mail to the clerk of each city and of each county or district municipality in the school division and to the secretary of the divisional board,
 - (i) before the 1st day of September in each year in which it is determined under subsection 3 that the number of members of the divisional board should be increased or decreased or in which a determination is made under subsection 9 or 23, a copy of each of the determinations made under subsections 4, 5, 6, 9, 22 and 23, and
 - (ii) before the 1st day of October in each year in which a determination is made by the judge under subsection 11 or 23, a copy of the determination.

Questions
to be deter-
mined by
judge

(17) The council of any municipality concerned and a divisional board on behalf of any territory without municipal organization that is deemed a district municipality may, within ten days of the mailing of the determination made under subsection 4, 5, 6 or 22 appeal to the judge with respect to the accuracy of the determination and his decision is final, and the clerk of the county or the clerk of the county or district municipality responsible for making such determination shall make such changes in such determination as the judge requires.

New deter-
mination
where
former
deter-
mination
improper

(18) Where the council of a municipality or a divisional board on behalf of any territory without municipal organization that is deemed a district municipality, after the period allowed for an appeal under this section and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a school division was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 14 or subsection 17, shall apply to the election next following such determination, and the divisional board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

Election by
public
school
electors
and by
separate
school
supporters

(19) The number of members to be elected in a municipality shall be elected by a general vote of the public school electors or separate school supporters, as the case may be, in the municipality, provided that, where it is determined under this section that

the number of members to be elected to the divisional board by the public school electors in a municipality or by the separate school supporters in a municipality is two or more, the council of the municipality may by by-law divide the municipality into two or more areas and provide for the election of one or more of such members by the public school electors or separate school supporters, as the case may be, in each of such areas.

(20) A by-law for the purpose mentioned in subsection 19 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed.

Time for
passing
by-law

(21) Where it is determined under subsection 9 that two or more county or district municipalities shall be combined for the purposes of the election of one or more members, such member or members shall be elected by a general vote of the public school electors of such combined area, and,

Election by
public
school
electors in
county and
district
municipi-
alities

(a) the nominations for such members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for public school purposes in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

(b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(22) Where a school division includes county or district municipalities and one or more cities, and the number of members to be elected by the separate school supporters under subsection 5 exceeds one, the number of members to be elected by the separate school supporters of each city and of the county or district municipalities shall be determined in accordance with subsections 6, 7 and 8, which subsections apply *mutatis mutandis*, except that the equalized residential and farm assessment of the separate school supporters shall be used in the determinations.

Number of
members to
be elected
by separate
school
supporters
in cities and
county or
district
municipi-
alities

(23) Where it is determined under subsection 5 or 22 that the number of members to be elected by the separate school supporters of the county or district municipalities in the school division exceeds one, the county or district municipalities to be represented by each such member shall be determined in accordance with subsections 9, 10, 11, 12 and 14, which subsections apply *mutatis mutandis*, except that,

Distribution
of members
to be elected
by separate
school
supporters

- (a) the equalized residential and farm assessments of the separate school supporters shall be used in all the determinations; and
- (b) the reference in subsection 9 to the clerk of a town or village in which a secondary school is located in the school division shall be deemed to refer only to a town or village that is a separate school zone.

Election of
members by
separate
school
supporters

- (24) Where the number of members,
 - (a) determined under subsection 5, is one, such member shall be elected by a general vote of the separate school supporters of the school division; or
 - (b) to be elected by the separate school supporters of the county or district municipalities under subsection 22 is one, such member shall be elected by a general vote of the separate school supporters of the county or district municipalities in the school division.

Idem

- (25) Where,
 - (a) one member is to be elected by a general vote of the separate school supporters of a school division or of the separate school supporters of the county or district municipalities in a school division; or
 - (b) two or more municipalities are combined for the purposes of the election of one or more members by the separate school supporters,

then,

- (c) the nominations for such member or members shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for separate school purposes in the school division, in the county or district municipalities in the school division or in the combined area, as the case may be, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and
- (d) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause c, who shall prepare the final summary and announce the vote.

Secretary
of board
deemed
clerk for
elections
in areas
deemed
district
municipalities

- (26) For the purposes of clause b of subsection 21 and clause d of subsection 25, the secretary of the divisional board of a school division shall be the clerk of each part of territory without municipal organization that is deemed a district municipality in the school division.

(27) The members of a divisional board to be elected under this section shall be elected for a term of two years and shall hold office until their successors are elected and a new board is organized.

Term of office

(28) An election of members of a divisional board, except a divisional board of a defined city, shall take place in the year 1968 and in every second year thereafter.

Biennial elections

(29) The members of a divisional board to be elected under this section shall be elected in the same manner as the election of a mayor or reeve and, except as otherwise provided in this Part, all the provisions of *The Public Schools Act* respecting the election of trustees by ballot apply to the election.

Election by ballot

R.S.O. 1970, c. 385

(30) Where, in a municipality other than a defined city, there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of members of the divisional board in the year 1968 and in every second year thereafter.

Where no municipal election in any year

(31) An election of members of a divisional board shall be conducted in the same manner as municipal elections and,

Manner of election

(a) the meetings of electors for the nomination of candidates for a divisional board, except a divisional board of a defined city, shall be held on the second Monday preceding the first Monday in December;

(b) the day for polling, except in the case of the election of the members of a divisional board of a defined city, shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon except that, where a municipal election is held on the same day, the polls shall be open between the same hours as for the municipal election;

(c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who shall advertise the date, time and place of the nomination meeting as provided in section 46 of *The Municipal Act*; and

R.S.O. 1970, c. 284

(d) the council of a municipality may by by-law provide for advance polls, and section 91 of *The Municipal Act* applies *mutatis mutandis*.

(32) The list of voters to be used in an election of members of a divisional board is,

Voters' list

R.S.O. 1970,
c. 485

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the divisional board; or
- (b) where no municipal election is to be held in a municipality in the year of the election of the divisional board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or
- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years.

Adding
names to
list of
voters

R.S.O. 1970,
cc. 32, 284

(33) Where, in a municipality in which no municipal election is to be held in the year of the election of the divisional board or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act*, and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list.

Expenses
for certain
elections to
be repaid to
municipality

(34) Where the council of a municipality is required to provide for an election of members of a divisional board in a year other than a year in which the election of the members of the council is held, the divisional board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, for the transmission of packets, and for reasonable fees and allowances for services rendered respecting the election of members of the divisional board, excluding the cost of preparing the voters' list. R.S.O. 1970, c. 425, s. 38.

Qualifica-
tions of
members

39.—(1) A person is qualified to be elected as a member of a divisional board of a school division,

- (a) who is a Canadian citizen;
- (b) who is of the full age of eighteen years;
- (c) who is a resident within the school division; and
- (d) who,
 - (i) in the case of the election of members by public school electors, is a public school elector, and
 - (ii) in the case of the election of members by separate school supporters, is a separate school sup-

porter. R.S.O. 1970, c. 425, s. 39 (1); 1971, c. 98, s. 4, Sched., par. 29.

(2) The members retiring at the expiration of the terms for which they were respectively elected are eligible for re-election if otherwise qualified. Retiring
members
eligible
for
re-election

(3) A person is not qualified to be elected or to act as a member of a divisional board, Disquali-
fications

(a) who is,

- (i) a member of any other board, or
- (ii) a member of the council of a municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board, or
- (iii) an elected member of a local board of a municipality all or part of which is included in the area of jurisdiction of the board,

and whose term of office has at least two months to run after the day on which the nomination meeting for a new election is to be held unless before the opening of the nomination meeting he has filed his resignation with the secretary of the other school board or with the clerk of the municipality, as the case may be;

- (b) who is the clerk or treasurer of a county or municipality, including a regional municipality, all or part of which is included in the area of jurisdiction of the board;
- (c) who is otherwise disqualified under this or any other Act; or
- (d) if any portion of the taxes levied for the preceding year or years on the property in respect of which the person qualifies is overdue and unpaid at the time of the opening of the nomination meeting, provided that this clause does not apply where the person is a tenant of the property and the taxes in respect thereof are, under the terms of the tenancy, payable by the owner of the property, and the rental thereof is not overdue and unpaid at the time of the opening of the nomination meeting.

(4) A person is qualified to act as a member of a divisional board during the term for which he was elected so long as he continues to have the qualifications mentioned in subsection 1 and does not become disqualified under clauses *a*, *b* and *c* of subsection 3. Qualification
to act as
member

(5) No person shall qualify himself as a candidate for more than one seat on a divisional board, and any person who so qualifies himself and is elected to hold one or more seats on the divisional board is not entitled to sit as a member of the board by Person not
to be
candidate
for more
than one
seat

reason of the election, and his seat or seats are thereby vacated. R.S.O. 1970, c. 425, s. 39 (2-5).

Number of
votes for
candidates

40.—(1) Every person qualified to vote for members of a divisional board to be elected by the public school electors in a city or in a county or district municipality or in a part of any of them, or in a combination of such municipalities, is entitled to as many votes as there are members to be elected by the public school electors in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate.

Idem

(2) Every person qualified to vote for members of a divisional board to be elected by the separate school supporters in a city or in a county or district municipality or in a part of any of them, or in a combination of such municipalities, is entitled to as many votes as there are members to be elected by the separate school supporters in such municipality or part, or combination of municipalities, as the case may be, but may not give more than one vote to any one candidate. R.S.O. 1970, c. 425, s. 40.

Qualifica-
tions for
proposers
and
seconders of
candidates

41. Every proposer and seconder of a candidate nominated for the office of a member to be elected,

- (a) by public school electors, shall be a public school elector; and
- (b) by separate school supporters, shall be a separate school supporter. R.S.O. 1970, c. 425, s. 41.

Vacancy in
office of
member

R.S.O. 1970,
c. 385

42.—(1) Where the office of a member of a divisional board elected by public school electors becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided in section 22 of *The Public Schools Act* for filling a vacancy on a public school board in an urban municipality, which section applies *mutatis mutandis*, except that, for the purposes of this subsection, the references to “remaining trustees” and to “majority of the membership of the board” shall be deemed to be references to “remaining members elected by public school electors” and to “majority of the members of the divisional board elected by public school electors”.

Vacancy in
office of
member
elected by
separate
school
supporters

(2) Where the office of a member of a divisional board elected by separate school supporters becomes vacant from any cause before the expiration of the term for which he was elected, except where the vacancy occurs within one month before the next ensuing election, in which case the office shall remain vacant until the election, and where,

- (a) the remaining members elected by separate school supporters constitute a majority of the members of the

divisional board elected by separate school supporters, a majority of such remaining members shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy; or

- (b) there are no remaining members who were elected by separate school supporters or the remaining members elected by separate school supporters are not a majority of the members elected by separate school supporters, the vacancy shall be filled by appointment by the board of the separate school zone that had the highest average daily enrolment for the preceding year of pupils below Grade 9 who resided in the school division, as certified by the appropriate supervisory officer,

and the person so elected or appointed shall hold office for the remainder of the term of his predecessor.

(3) Notwithstanding subsection 2, where the offices of all members of a divisional board become vacant from any cause, a new election shall be held to fill all such vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected.

All offices
vacant

(4) Where an election is required to fill a vacancy on a divisional board of education, the nomination shall be held on the third Monday following the day on which the office becomes vacant and the polling shall be held on the second Monday following the day of nomination, and the nomination and polling shall be held in the same manner and at the same times as for the office that became vacant. R.S.O. 1970, c. 425, s. 42.

Election
to fill
vacancy

43.—(1) Where, on the 31st day of December, 1968, a pupil is enrolled in a public or secondary school that he has a right to attend and the school on and after the 1st day of January, 1969, is situated in a school division other than the school division in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Department of Education Act*, *The Public Schools Act*, *The Schools Administration Act* or this Act, subject to subsection 5 of section 63, the right to attend the school until he completes his education in the school.

Right of
certain
pupils
to attend
school in
another
school
division
R.S.O. 1970,
cc. 111, 385,
424

(2) Where any part of a school section or secondary school district, after the 1st day of January, 1969, forms part of a school division other than the school division in which the school that the pupils resident in such part had a right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the divisional boards concerned agree to other arrangements for the accommodation of such pupils.

Idem

(3) Subsections 1 and 2 do not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal

Application
of subs. 1, 2

Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. R.S.O. 1970, c. 425, s. 43.

Director of
education

44.—(1) A divisional board having an enrolment in its public and secondary schools on the first school day of 1969 of 2,000 or more shall, on or before the first day of August, 1969, appoint a director of education who shall be the chief education officer of the board, and he shall hold the qualifications required by the regulations.

Idem

(2) A divisional board having an enrolment in its public and secondary schools of 2,000 or more on the 30th day of September, 1969, or of any year thereafter, shall, on or before the 1st day of August of the year following, appoint a director of education who shall be the chief education officer of the board, and he shall hold the qualifications required by the regulations.

Supervisory
officers

(3) A divisional board having an enrolment in its public and secondary schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. R.S.O. 1970, c. 425, s. 44.

Amalgama-
tion and
alteration
of school
divisions

45.—(1) With the approval of the Lieutenant Governor in Council and in accordance with the regulations, effective on the 1st day of January of the year 1971 or of any second year thereafter,

(a) two or more adjoining school divisions may be combined to form one school division, and the board of the combined school division shall be a divisional board of education; and

(b) one or more municipalities may be detached from a school division and attached to an adjoining school division.

Idem

(2) Where two or more school divisions are combined,

(a) the divisional board of each such school division is dissolved; and

(b) all real and personal property vested in the board of each such school division becomes vested in the divisional board of the combined school division,

upon the date upon which a divisional board is organized for the combined school division.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

(a) prescribing the terms and conditions upon which and the manner in which,

- (i) two or more adjoining school divisions may be combined, or
 - (ii) the boundaries of a school division may be altered;
 - (b) assigning a name to the divisional board of a combined school division;
 - (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.
- R.S.O. 1970, c. 425, s. 45.

46.—(1) Notwithstanding the provisions of any special Act, this Part applies to every public school board, secondary school board, board of education, county, municipality and person in accordance with the provisions of this Part.

(2) The provisions of *The Public Schools Act* and of this Act that are not inconsistent with this Part shall be read as part of this Part and shall apply to divisional boards, and so far as such provisions are inconsistent with the provisions of this Part, they do not apply to divisional boards. R.S.O. 1970, c. 425, s. 46.

PART V

FRENCH-LANGUAGE SECONDARY SCHOOLS

47. In this Part,

- (a) “board” means a divisional board of education or a board of education of an area municipality as defined in *The Municipality of Metropolitan Toronto Act*;
 - (b) “committee” means a French-language committee for secondary school purposes formed under this Part.
- R.S.O. 1970, c. 425, s. 47.

Interpretation

R.S.O. 1970, c. 295

48.—(1) A board may establish and maintain secondary schools or classes in secondary schools for the purpose of providing for the use of the French language in instruction, or may enter into an agreement with another board to provide for such instruction in the school or schools maintained by the latter board for resident pupils of the first-mentioned board.

French-language schools or classes

(2) Where for secondary school purposes in a school division a sufficient number of pupils who elect to be taught in the French language can be assembled for this purpose in classes or groups of twenty or more in each program or branch, the board shall provide for the use of the French language in instruction in such classes or groups, and where, in the opinion of the board, the number of such pupils so warrants, the board shall provide for the use of the French language in instruction in a composite school.

Idem

Application
to boards
of educa-
tion, etc.

(3) Subsection 1 applies *mutatis mutandis* to boards of education and secondary school boards. R.S.O. 1970, c. 425, s. 48.

Establish-
ment of
committee

49.—(1) Where,

- (a) ten or more French-speaking ratepayers of a school division apply in writing to the board for the establishment or extension in a secondary school of a class, group or program in which the French language is or is to be used in instruction; or
- (b) the board establishes or extends or decides to establish or extend a class, group or program in which the French language is or is to be used in instruction,

the board shall, within two months of the application, establishment, extension or decision to establish or extend, provide for the establishment of a committee, which shall be an advisory committee of the board.

Composition

(2) The committee shall consist of seven members and shall be composed of,

- (a) three members of the board appointed by the board; and
- (b) four French-speaking ratepayers who are not members of the board but have the qualifications required for members of the board, elected by the French-speaking ratepayers of the school division, except that a ratepayer elected to the committee may be a member of an elementary school board.

Term of
office

(3) A member of a committee shall hold office during the term of the members of the board and until a new board is organized.

First
meeting of
French-
speaking
ratepayers

(4) The board shall make provision for a meeting of the French-speaking ratepayers of the school division to elect members to the committee, and shall advertise in each of its schools the place and time of the meeting, and shall take such additional action to publicize the meeting as it considers expedient.

Additional
members

(5) The committee may, in any year, at a meeting called for the purpose and for which notice has been given to all members, appoint to the committee one or two additional French-speaking ratepayers as it considers necessary, who shall have the qualifications of an elected member.

Idem

(6) The board shall appoint to the committee one or two additional members of the divisional board, as the case may be, to equal the number of additional members appointed under subsection 5. R.S.O. 1970, c. 425, s. 49.

French-
speaking
ratepayers
to elect sub-
sequent
members to
committee

50. Where a committee has been established and a new board has been elected, a meeting of the French-speaking ratepayers in the school division, to elect members to the committee and to

consider any other matters brought before it, shall be held on the second Wednesday following the first meeting of the newly-elected board, commencing at 8 o'clock in the afternoon at such place as the board may determine, and the provisions of subsection 4 of section 49 respecting the publicizing of the meeting apply. R.S.O. 1970, c. 425, s. 50.

51.—(1) The secretary of the board shall call to order the meetings of the French-speaking ratepayers under sections 49 and 50 and shall preside at the meeting for the purpose of electing a chairman of the meeting. Election of chairman of meeting

(2) The chairman of the meeting shall appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required by the chairman. Secretary of meeting

(3) The chairman shall preside at the meeting and shall hold the election of members of the committee and submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of members of the committee, the chairman shall provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived. Procedure at meeting

(4) Notice in writing shall be given by the secretary of the meeting to the secretary of the board designating by their names and addresses the persons elected as members of the committee. R.S.O. 1970, c. 425, s. 51. Notice of result of election

52.—(1) At the first meeting of the committee, the members shall elect one of themselves as chairman. Chairman of committee

(2) A majority of all the members constituting the committee is necessary to form a quorum, and the vote of a majority of the members present at a meeting is necessary to bind the committee. Quorum

(3) On every question, the chairman may vote, and any question on which there is an equality of votes shall be deemed to be negatived. Vote of chairman, equality of votes

(4) A special meeting of the committee may be called by the chairman of the committee and shall be called by the chairman upon the request in writing of two members of the committee who shall specify the objects for which the meeting is to be held, and the objects shall be stated in the notice calling the meeting. R.S.O. 1970, c. 425, s. 52. Special meeting

53. Every vacancy on a committee for any cause shall be filled by appointment by the board in the case of appointed members and by the elected members of the committee in the case of elected members, and every person so appointed shall hold office for the Vacancies

unexpired term of the member whose seat has become vacant. R.S.O. 1970, c. 425, s. 53.

Committee
to report
to board

54.—(1) The committee shall report at each regular meeting of the board.

Recom-
mendations

(2) The committee shall make recommendations to the board with respect to ways and means of meeting the educational and cultural needs of the French-speaking pupils, and shall co-operate with all committees of the board with respect to,

- (a) suitable sites, accommodation and equipment for the purposes of section 48;
- (b) the use of the French language in instruction and the related courses of study;
- (c) the appointment of the required teaching, supervisory and administrative staff;
- (d) the establishment of special classes for adults in a French-language secondary school; and
- (e) the use of any facilities for instruction in the French language that are considered desirable to foster the educational and cultural needs of the French-speaking community.

Board to
consider
report and
recom-
mendations

(3) The board shall consider any report or recommendation submitted to it by the committee, and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee thereof to which such report or recommendation is referred. R.S.O. 1970, c. 425, s. 54.

Services to
be provided
by board

55.—(1) The board shall make available to the committee such personnel and services as the board considers necessary for the proper functioning of the committee.

Honorarium,
expenses

(2) A board may pay to each member of the committee who is not a member of the board an honorarium not exceeding \$25 for each month that he is a member of the committee, and subsections 5, 6 and 7 of section 40 of *The Schools Administration Act* apply *mutatis mutandis* to the members of the committee. R.S.O. 1970, c. 425, s. 55.

English
subject
required in
grades 9
to 12

56. Notwithstanding any other provisions in this Part, English shall be an obligatory daily subject of instruction for all pupils of grades 9 to 12 inclusive and shall be a required subject for each certificate and diploma issued for standing in these grades. R.S.O. 1970, c. 425, s. 56.

English-
language
classes
where
French-
language
school or
classes
established

57. Where a board has established a secondary school or classes in a secondary school under section 48 and where a sufficient number of pupils who elect instruction in the English

language can be assembled, the board shall provide such instruction, and the provisions of section 48 apply *mutatis mutandis* in respect of such pupils. R.S.O. 1970, c. 425, s. 57.

58. On the request of a parent or guardian of a pupil, a board of a school division may admit such pupil to classes formed under section 48 if such pupil has a right to attend a secondary school in the school division and the principal is satisfied that the attendance of such pupil will not delay the progress of the French-speaking pupils. R.S.O. 1970, c. 425, s. 58.

Admission
of pupils
other than
French-
speaking
pupils

PART VI

GENERAL

59.—(1) The board of a secondary school district may by resolution or by-law declare all or any of its schools open to the resident pupils of any secondary school district.

Declaring
schools
open

(2) Where a school is declared open under this section, the board may, before the 30th day of June in any year, pursuant to a resolution or by-law give notice in writing to the secretary of the board of the secondary school district concerned that the school or schools will no longer be open to the resident pupils, and upon the giving of such notice such resident pupils may continue to attend the school or schools only until the expiration of two school years after the 30th day of June in that year. R.S.O. 1970, c. 425, s. 59.

Revocation
of
declaration

60.—(1) A secondary school board that has established one or more secondary schools may enter into an agreement with another secondary school board to provide for the instruction, in the school or schools maintained by the latter board, of resident pupils of the first-mentioned board.

Agreements
for education
at outside
schools

(2) The council of a municipality having a population of 2,000 or more in a territorial district which, or part of which, has not been established as or included in a secondary school district shall enter into an agreement with a secondary school board to provide for the instruction, in the school or schools maintained by the board, of the pupils of the municipality or part of the municipality. R.S.O. 1970, c. 425, s. 60.

Idem

61.—(1) Where a pupil has been promoted from grade 8 to grade 9 in the manner prescribed by the regulations, he shall be admitted to grade 9.

Admission
to grade 9

(2) An applicant who has not been promoted from grade 8 to grade 9 in the manner prescribed by the regulations shall be admitted to grade 9 if the principal has satisfied himself that the applicant is competent to undertake the work of that grade.

Idem

Admission to
grades 10-13

(3) An applicant for admission to grade 10, 11, 12 or 13 shall be admitted if the principal has satisfied himself that the applicant is competent to undertake the work of the grade to which he has applied for admission.

Reduction
in grade

(4) Where the principal is not satisfied that an applicant is competent to undertake the work of the grade to which the applicant has applied for admission under subsection 3, he may place him in a lower grade.

Admission
to evening
courses

(5) An applicant is entitled to enter an evening course of study in a secondary school if, in the opinion of the principal, after due examination or other investigation, he is competent to take up the desired course, but such admission does not entitle him to admission to the secondary school day courses.

Idem

(6) A pupil enrolled in a full-time day course of study in a vocational school shall not be admitted to an evening course of study except with the consent of the vocational school principal. R.S.O. 1970, c. 425, s. 61.

Right of
resident
pupils to
attend
school

62.—(1) A resident pupil of a secondary school district has the right to attend a secondary school in his secondary school district.

Resident
pupils

(2) Subject to subsections 3, 4 and 6, a resident pupil of a secondary school district has the right to attend any secondary school,

- (a) that is more accessible to the pupil than any secondary school in his own secondary school district;
- (b) to take either the four-year or two-year program of the business and commerce branch or of the science, technology and trades branch, or the occupational program, if the program is not available in the secondary school district in which he is resident;
- (c) to take a course of study in either the four-year program of the business and commerce branch or the four-year program of the science, technology and trades branch, leading to a type of secondary school graduation diploma that is not available in the secondary school district in which he is resident;
- (d) to take a special one-year course in business, commercial work, technical subjects, home economics or vocational art, leading to a secondary school graduation diploma in the special field, if the course is not available in the secondary school district in which he is resident;
- (e) to take a grade 13 subject or subjects not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling;

- (f) to take a course of study that includes the subject of French for French-speaking pupils in grade 9, 10, 11, 12 or 13 not available in his own secondary school district, but required by the pupil for admission to any university or teacher-training course or for entry into any trade, profession or calling; or
- (g) to take a subject or course in a French-language school or class if the subject or course is not available in the French language in the secondary school district in which he is resident.

(3) Subsection 2 applies to a resident pupil of a secondary school district in a county only if, Restrictions

- (a) the school has been declared open to such a pupil; and
- (b) the supervisory officer of the school certifies that there is adequate accommodation for the pupil in the school.

(4) Subsection 2 applies to a resident pupil of a secondary school district in a territorial district only if the supervisory officer of the school certifies that there is adequate accommodation for the pupil in the school. Idem

(5) At its discretion, a secondary school board may admit to a school operated by it a pupil who has not the right, under this section, to attend such school. Non-resident pupils

(6) Clauses *b, c, d, e, f* and *g* of subsection 2 do not apply to a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under subsection 2 of section 6 or under section 60 and the courses and subjects referred to in such clauses are offered in the schools covered by the agreement. R.S.O. 1970, c. 425, s. 62. Where agreement between boards

63.—(1) No fees are payable by or in respect of a resident pupil of a secondary school district attending a secondary school maintained by the board of the district. Where no fees payable

(2) Where a resident pupil of a secondary school district attends a secondary school in another secondary school district pursuant to an agreement under subsection 2 of section 6 or under subsection 1 of section 60 or which he has a right to attend under subsection 2 of section 62 or under section 43, the board of the secondary school district of which he is a resident pupil shall pay fees to the board that operates the secondary school attended by the pupil, calculated in accordance with section 72 of *The Schools Administration Act*. Fees payable

R.S.O. 1970,
c. 424

(3) Where a pupil attends a secondary school pursuant to an agreement under subsection 2 of section 60, the council of the municipality shall pay fees to the board that operates the Idem

secondary school as provided in section 72 of *The Schools Administration Act*.

Idem (4) Where a pupil other than one referred to in subsection 1, 2 or 3 attends a secondary school, the board that operates such school may require a fee to be paid by or on behalf of the pupil as provided in section 72 of *The Schools Administration Act*.

Limitation on right to attend without payment of fee (5) Notwithstanding subsections 1, 2 and 3 and section 62, where a pupil,

(a) has completed grade 8; and

(b) has attended one or more secondary schools for a total of seven or more years,

he shall not be admitted to a secondary school except upon the payment of a fee as provided in section 72 of *The Schools Administration Act*. R.S.O. 1970, c. 425, s. 63.

Admission of ward, etc., of children's aid society

64.—(1) A child who is a ward of a children's aid society or who is in the care of a children's aid society, and who has been promoted or transferred to a secondary school, shall be admitted, without the payment of a fee, to a secondary school operated by the board of the secondary school district in which the child resides. 1971, c. 68, s. 6 (1).

NOTE: Subsection 1 as set out above, comes into force on the first day of January, 1972. See 1971, c. 68, s. 6 (1), s. 8 (2).

(2) REPEALED: 1971, c. 68, s. 6 (2).

NOTE: Subsection 2 is repealed as of the first day of January, 1972. See 1971, c. 68, s. 6 (2), s. 8 (2).

Where fee payable

(3) Where a child who has been promoted or transferred to a secondary school and who is in the custody of a corporation, society or person resides in a secondary school district and is not qualified for admission to a secondary school in that district under any other provision of this Act or pursuant to an agreement under subsection 2 of section 6 and the secondary school inspector certifies that there is sufficient accommodation in a secondary school in that secondary school district or pursuant to an agreement under subsection 2 of section 6 for the current school year, the board of the district, or the board of the secondary school district with which an agreement has been made under subsection 2 of section 6, shall admit the child to a secondary school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 72 of *The Schools Administration Act*.

R.S.O. 1970, c. 424

Admission of a child whose mother is the sole supporter, etc.

(4) A child who has completed the elementary school course and whose mother,

(a) resides in Ontario;

(b) is the sole support of the child;

- (c) is not assessed as a supporter of a secondary school; and
- (d) boards her child in a residence that is assessed to the support of a secondary school and that is not a children's boarding home as defined in *The Children's Boarding Homes Act*,

R.S.O. 1970,
c. 65

shall be admitted to a secondary school by the board of the secondary school district in which he resides without the payment of a fee. R.S.O. 1970, c. 425, s. 64 (3, 4).

65.—(1) A resident pupil of a secondary school district who applies for admission to a secondary school situated in another secondary school district shall furnish the principal of the school to which admission is sought with a statement signed by the pupil's parent or guardian stating,

Admission
of resident
pupil from
other
district

- (a) the name of the secondary school district in respect of which he is a resident pupil;
- (b) whether or not the pupil or his parent or guardian is assessed in the secondary school district in which the school is situated, and if so assessed the amount of such assessment; and
- (c) the authority, under this Act, under which the pupil claims to have a right to attend the school.

(2) The principal of the school shall forward the statement to the secretary of the board that operates the school and, if the pupil is admitted, the secretary of the board shall forthwith notify the secretary of the board of the district of which the pupil is a resident pupil of the fact of the admission and of the information included in the statement. R.S.O. 1970, c. 425, s. 65.

Notice of
admission

66.—(1) Where,

- (a) the board of a secondary school district and the board of another secondary school district are unable to agree upon the fees to be paid under subsection 2 of section 63; or
- (b) the council of a municipality and the board of a secondary school district are unable to agree upon the fees to be paid under subsection 3 of section 63, the matter shall be referred to the county judge who shall determine the matter.

Disagree-
ments as to
cost of
education
or fees

(2) Either party may refer the matter to the judge and he shall give such directions as to the conduct, proceedings and hearing of the reference as he considers proper.

Reference
and
directions

(3) The parties shall file with the judge such financial statements and balance sheets of the affairs of the board providing the instruction, such copies, extracts or information taken from the

Filing of
documents,
etc.

school registers as to enrolment and attendance of all pupils and of the pupils in respect of whom the cost of education or fees are payable and as to the names and addresses of such pupils and their parents or guardians, and such other statements, accounts, records, books and documents as may appear to the judge to be requisite in order fully and finally to ascertain all matters pertinent to the determination of the fees to be paid by the board or the fees to be paid by the municipality, as the case may be.

Costs of
reference

(4) The costs of the reference to the judge are in his discretion and the amount thereof shall be fixed by him and he may order to and by whom and in what manner the costs shall be paid. R.S.O. 1970, c. 425, s. 66.

Local
municipality
grants

67. The council of any municipality which, or any part of which, is included in a secondary school district, in addition to any sum that it is required to raise by this Act, may make grants as it considers expedient for the maintenance or permanent improvements of the secondary school or schools in the district, or any of them. R.S.O. 1970, c. 425, s. 67.

Establish-
ment of
scholarships,
etc.

68.—(1) Any person may, with the approval of the secondary school board concerned, establish scholarships, bursaries or prizes.

Idem

(2) A secondary school board may award bursaries or prizes to its pupils under such terms and conditions as the board may prescribe. R.S.O. 1970, c. 425, s. 68.

PART VII

SCHOOLS FOR TRAINABLE RETARDED CHILDREN

Interpre-
tation

69.—(1) In this Part,

- (a) "authority" means a Retarded Children's Education Authority;
- (b) "committee" means an advisory committee on schools for trainable retarded children established under this Part;
- (c) "divisional board" means a divisional board of education and includes The Metropolitan Toronto School Board;
- (d) "local association" means a parents' group that is affiliated with the Ontario Association for the Mentally Retarded;
- (e) "school division" includes the Metropolitan Area as defined in *The Municipality of Metropolitan Toronto Act*;

- (f) "trainable retarded child" means a child whose intellectual and physical functioning is below the level at which he could profit from attendance in a special education class for educable retarded children.

(2) For the purposes of this Part, The Metropolitan Toronto School Board shall be deemed to be organized as a divisional board on the 1st day of January, 1969. R.S.O. 1970, c. 425, s. 69.

Metropolitan
Toronto
School
Board

70.—(1) Each school for trainable retarded children operated by an authority in a school division, except a defined city, shall cease to be operated by the authority on the 1st day of January, 1969, and thereafter shall be operated by the divisional board of the school division.

Divisional
boards to
operate
schools for
trainable
retarded
children

(2) Each school for trainable retarded children operated by an authority in a school division of a defined city or by The Ottawa Collegiate Institute Board under subsection 3 shall cease to be operated by the authority or by such Board upon the organization of the divisional board of the school division, and thereafter shall be operated by the divisional board.

Idem

(3) The schools operated by The Ottawa Retarded Children's Education Authority shall cease to be operated by such Authority on the 1st day of January, 1969, and for the year 1969 and until The Ottawa Board of Education is organized shall be operated by The Ottawa Collegiate Institute Board, which during such period shall be deemed to be a divisional board for the purposes of this Part, and The Ottawa Retarded Children's Education Authority is dissolved on that date, and section 71 applies *mutatis mutandis*. R.S.O. 1970, c. 425, s. 70.

Operation
in 1969 of
Ottawa
Retarded
Children's
Education
Authority

71.—(1) Upon the organization of a divisional board in a school division of a defined city and in respect of divisional boards of all other school divisions on the 1st day of January, 1969,

Assets,
liabilities,
etc.

- (a) all authorities that have jurisdiction wholly or partly in the school division are dissolved;
- (b) all personal property vested in an authority in respect of a school for trainable retarded children that is located in the school division is vested in the divisional board;
- (c) all real property located in the school division now vested in a local association for the use of an authority is vested in the divisional board;
- (d) all debts, contracts, agreements, rights and liabilities of an authority or a local association in respect of a school for trainable retarded children that is located in the school division become debts, contracts, agreements, rights and liabilities of the divisional board.

No compensation payable	(2) No compensation shall be payable by the divisional board to any local association in respect of any property vested in the divisional board under subsection 1.
Dispute	(3) Where a dispute arises with respect to any matter under subsection 1, the local association involved and the divisional board shall each appoint an arbitrator, and these arbitrators shall appoint a third arbitrator who shall be the chairman, and the arbitrators shall resolve the dispute, and the decision of a majority of the arbitrators is final. R.S.O. 1970, c. 425, s. 71.
Trustees	72. All members of a divisional board are trustees for the purposes of schools for trainable retarded children. R.S.O. 1970, c. 425, s. 72.
Advisory committee established	73. —(1) A divisional board may establish an advisory committee on schools for trainable retarded children and every divisional board of a school division that operates one or more schools for trainable retarded children or that is requested to establish such a committee by a local association representing parents of trainable retarded children resident in the school division shall establish an advisory committee on schools for trainable retarded children.
Composition	(2) The committee shall consist of six members, of which, <ol style="list-style-type: none"> three members shall be appointed by the divisional board from among its members; and three members shall be appointed by the local association, and where there is more than one local association, three members shall be appointed at a joint meeting of the associations concerned.
Qualifications of members	(3) The members of the committee appointed by the local association or associations shall have the qualifications required for the members of the divisional board.
Term of office	(4) The members of the committee shall hold office until the expiry of the term for which the members of the divisional board were elected.
Vacancies	(5) Every vacancy on a committee occasioned by death, removal or other cause shall be filled by appointment by the divisional board or the local association or associations, as the case may be, of some qualified person, and every person so appointed shall hold office for the unexpired portion of the term of the member whose office has become vacant.
Honorarium	(6) The divisional board may pay to each member of the committee who is not a member of the divisional board an honorarium not exceeding \$10 for each month that he is a member of the committee. R.S.O. 1970, c. 425, s. 73.

74.—(1) A majority of the members of the committee is a Quorum quorum, and a vote of a majority of the members present at a meeting is necessary to bind the committee.

(2) The members of the committee shall, at their first meeting, Chairman elect one of themselves as chairman who shall preside at all meetings and, if at any meeting the chairman is not present, the members present may elect a chairman for that meeting.

(3) On every question, the chairman may vote with the other Chairman voting members of the committee, and any question on which there is an equality of votes shall be deemed to be negatived.

(4) The divisional board shall make available to the committee Personnel and services available to committee such personnel and services as the divisional board considers necessary for the proper functioning of the committee. R.S.O. 1970, c. 425, s. 74.

75.—(1) The committee may make recommendations to the Powers of committee divisional board with respect to matters affecting the establishment and operation of schools for trainable retarded children in the school division.

(2) Before making a decision on a recommendation of the Right of committee to be heard committee, the divisional board shall provide an opportunity for the committee to be heard before the board and before any committee thereof to which the recommendation is referred. R.S.O. 1970, c. 425, s. 75.

76. The cost of operation of schools for trainable retarded Cost of operation children shall be included in the estimates of the divisional board for secondary school purposes and apportioned in the same manner as the cost of operation of secondary schools. R.S.O. 1970, c. 425, s. 76.

77.—(1) Subject to subsection 6, a trainable retarded child Right of child to attend school whose parent or guardian resides in a school division in which a school for trainable retarded children is operated by the divisional board has the right to attend the school.

(2) Subject to subsection 6, a divisional board may admit to a Admission of other children school for trainable retarded children operated by the board a child who does not have the right to attend such school under subsection 1.

(3) A trainable retarded child whose mother, Child whose mother is sole support, etc.

- (a) resides in Ontario;
- (b) is the sole support of the child;
- (c) is not assessed as a supporter of a public or separate school; and

R.S.O. 1970,
c. 65

- (d) boards her child in a residence in a school division, other than a children's boarding home as defined in *The Children's Boarding Homes Act*,

shall be deemed to reside with his parent or guardian in such school division. R.S.O. 1970, c. 425, s. 77 (1-3).

Ward of
children's
aid
society

- (4) A trainable retarded child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted without the payment of a fee to a school for trainable retarded children operated by the divisional board of the school division in which the child resides. 1971, c. 68, s. 7 (1).

NOTE: Subsection 4 as set out above, comes into force on the first day of January, 1972. See 1971, c. 68, s. 7 (1), s. 8 (2).

- (5) REPEALED: 1971, c. 68, s. 7 (2).

NOTE: Subsection 5 is repealed as of the first day of January, 1972. See 1971, c. 68, s. 7 (2), s. 8 (2).

Admission
or dismissal
on recom-
mendation
of
admissions
board

- (6) A child may be admitted to or dismissed from a school for trainable retarded children operated by a divisional board only upon the recommendation of an admissions board consisting of,

- (a) the principal of the school;
- (b) a legally qualified psychiatrist or other legally qualified medical practitioner appointed by the board;
- (c) a supervisory officer designated by the divisional board which operates the school or, in a provincial superintendency, a provincial area superintendent designated by the Minister; and
- (d) a supervisory officer designated by the separate school board having jurisdiction in the municipality in which the school is located, or in a provincial separate school superintendency, an area superintendent designated by the Minister.

Chairman of
admissions
board

- (7) The principal of the school for trainable retarded children shall be the chairman of the admissions board. R.S.O. 1970, c. 425, s. 77 (6, 7).

Fees for
non-resident
pupils

- 78.**—(1) Where a divisional board provides instruction in a school for trainable retarded children for a pupil whose parent or guardian does not reside in the school division, the board of the school division, secondary school district, school section or separate school zone in which his parent or guardian resides, shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with section 72 of *The Schools Administration Act*.

R.S.O. 1970,
c. 424

Fees where
residence
in school
section and
separate
school zone

- (2) Where a divisional board provides instruction in a school for trainable retarded children for a pupil whose parent or guardian does not reside in a school division, but does reside in a school section and in a separate school zone, the board of the

school section or separate school zone of which the parent or guardian is a supporter shall pay to the divisional board on behalf of the pupil a fee calculated in accordance with section 72 of *The Schools Administration Act*.

(3) Where a child is admitted to a school for trainable retarded children but his parent or guardian is resident on lands that are exempt from taxation for school purposes and that have been designated by the Minister as a rural school section for which a board has been appointed under subsection 1 of section 12 of *The Public Schools Act* or that have been designated a secondary school district for which a board has been appointed under subsection 1 of section 4, the board shall pay to the divisional board a tuition fee in accordance with section 72 of *The Schools Administration Act*. R.S.O. 1970, c. 425, s. 78.

Admission of child resident on tax-exempt lands

R.S.O. 1970, cc. 385, 424

79.—(1) Where a pupil resides in a school division with his parent or guardian in a residence from which daily transportation to a school for trainable retarded children that he has a right to attend is impracticable due to distance or terrain as certified by the superintendent of education of the school division in which the pupil resides, the board of the school division in which his parent or guardian resides may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding that prescribed by the regulations for each day of attendance as certified by the principal of the school for trainable retarded children that the pupil attends.

Boarding of pupils where daily transportation impracticable

(2) Where a pupil resides in a school section or in a separate school zone, but not in a school division, with his parent or guardian in a residence from which daily transportation to the school for trainable retarded children that he attends is impracticable due to distance or terrain as certified by the supervisory officer who has jurisdiction in the school section or separate school zone, the board of the school section or of the separate school zone of which his parent or guardian is a supporter may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding that prescribed by the regulations for each day of attendance as certified by the principal of the school for trainable retarded children that the pupil attends.

Idem

(3) Where a pupil resides in a territorial district, but not in a school division, school section or separate school zone, with his parent or guardian in a residence from which daily transportation to the school for trainable retarded children that he attends is impracticable due to distance or terrain as certified by a supervisory officer of the divisional board of the school that he attends,

Idem

the divisional board may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount not exceeding that prescribed by the regulations for each day of attendance as certified by the principal of the school for trainable retarded children that the pupil attends. R.S.O. 1970, c. 425, s. 79.

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The Separate Schools Act

Revised Statutes of Ontario, 1970
CHAPTER 430

as amended by
1971, Chapters 70 and 98, s. 4, Sched., par. 31

1971

TORONTO

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THE SEPARATE SCHOOLS ACT

R.S.O. 1970, CHAPTER 430

as amended by

1971, Chapters 70 and 98, s. 4, Sched., par. 31

PART I

PROTESTANT SEPARATE SCHOOLS

1.—(1) Subject to subsection 3, five or more heads of families resident in a municipality and being Protestants may, before the 1st day of July in any year, apply in writing, in the case of a township, to the council of the township or, in the case of an urban municipality, to the public school board for permission to establish in the municipality one or more separate schools for Protestants.

Application
to establish
Protestant
separate
schools

(2) Subject to subsection 3, the council or the public school board, as the case may be, within thirty days of the receipt of a proper application shall grant permission to the applicants to establish in the municipality one or more separate schools for Protestants.

Permission
to
establish

(3) A Protestant separate school shall not be established in a municipality except where the teacher or teachers in the public school or schools in the municipality are Roman Catholics. R.S.O. 1970, c. 430, s. 1.

Restrictions
on establish-
ment

2. Where a Protestant separate school is to be established in a township, the township council shall determine the location of the school. R.S.O. 1970, c. 430, s. 2.

Location
in
township

3. A Protestant separate school board in an urban municipality may operate one school in each ward, or one school to serve two or more wards. R.S.O. 1970, c. 430, s. 3.

Location
in urban
municipality

4. A Protestant separate school is established on the day following the granting of permission to establish the school by the council or public school board, as the case may be. R.S.O. 1970, c. 430, s. 4.

Effective
date

5.—(1) Every person paying rates on property that he occupies as owner or tenant in a municipality in which a Protestant separate school is established, who, by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Protestant and that

Notice to
be supporter,
exemption
from public
school rates

he wishes to be a Protestant separate school supporter, is exempt from the payment of all rates imposed on such property for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a Protestant separate school supporter with respect to such property.

No renewal
required

(2) The notice is not required to be renewed annually.

Certificate
of notice

(3) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for
wilful false
statements
in notice

(4) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and liable to a fine of \$40.

As to rates
imposed
before
Protestant
separate
school
established

(5) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the Protestant separate school. R.S.O. 1970, c. 430, s. 5.

Withdrawal
of support

6. A Protestant separate school supporter who desires to withdraw his support from a Protestant separate school shall give notice thereof in writing to the clerk of the municipality in which he resides on or before the 30th day of September in any year, otherwise he shall be deemed to be a supporter of a Protestant separate school. R.S.O. 1970, c. 430, s. 6.

Index book

7.—(1) The clerk of each municipality in which a Protestant separate school is established shall keep an index book to record the names of Protestants who wish to become supporters of a Protestant separate school in the same manner *mutatis mutandis* as is provided for the keeping of an index of Roman Catholics who wish to become supporters of a Roman Catholic separate school.

Inspection

(2) The index book shall be open to inspection by any rate-payer.

Filing of
notices

(3) The clerk shall file and carefully preserve all notices given to the clerk of the municipality under sections 5 and 6.

Assessor to
be guided
by index

(4) The assessor shall be guided by the entries in the index book in ascertaining those who have given the prescribed notices. R.S.O. 1970, c. 430, s. 7.

Not to
share in
public school
assessment

8.—(1) Protestant separate schools shall not share in money raised by local municipal assessment for public school purposes.

(2) Every Protestant separate school shall share in the legislative grants in like manner as a public school. R.S.O. 1970, c. 430, s. 8. Share of legislative grants

9.—(1) Every Protestant separate school board and principal of a Protestant separate school in a municipality shall transmit reports to the supervisory officer designated by the Minister and to the Minister in such form and at such times as the supervisory officer or the Minister may require. Reports

(2) The clerk or other officer of the municipality in which a Protestant separate school is established who has possession of the assessor's or collector's roll of the municipality shall allow any trustee or the authorized collector of the Board to make a copy of the roll. R.S.O. 1970, c. 430, s. 9. Use of assessor's roll by board

10. Every person who is assessed as a Protestant separate school supporter and whose name appears on the voters' list of the municipality in which the land in respect of which he or she is assessed is situate, and the wife or husband of such supporter, if she or he is a Protestant, is entitled to vote at the election of trustees and on any school question. R.S.O. 1970, c. 430, s. 10. Qualification of a voter

11.—(1) A Protestant separate school trustee shall have the same qualifications as a public school trustee, except that he shall be a supporter of a Protestant separate school. Qualification of a trustee

(2) A Protestant separate school board shall have the same number of trustees as a Roman Catholic separate school board would have if established in the same municipality, and the trustees may be elected in the same manner as Roman Catholic separate school trustees may be elected, and the provisions of Part II with respect to the election of trustees of Roman Catholic rural and urban separate schools apply *mutatis mutandis* to the election of trustees of Protestant rural and urban separate schools. R.S.O. 1970, c. 430, s. 11. Election of trustees

12. The trustees of every Protestant separate school board are a body corporate under the name of "The Protestant Separate School Board of the (*City, Town, Village or Township*) of". R.S.O. 1970, c. 430, s. 12. Corporate name of board

13. A Protestant separate school board has the same powers as a rural public school board in territory without municipal organization, and the regulations under *The Department of Education Act* with respect to elementary schools apply to every Protestant separate school board. R.S.O. 1970, c. 430, s. 13. Powers of board
R.S.O. 1970, c. 111

14. A Protestant separate school board is discontinued in the same manner as a Roman Catholic separate school board and may be re-established in the manner provided in section 1. R.S.O. 1970, c. 430, s. 14. Discontinuing board

Application
of ss. 30-33,
61-63

15. Sections 30 to 33 and 61 to 63 apply in respect of Protestant separate schools and Protestant separate school boards. R.S.O. 1970, c. 430, s. 15.

PART II

ROMAN CATHOLIC SEPARATE SCHOOLS

ESTABLISHMENT

Application
of Part

16. This Part applies to separate schools for Roman Catholics now or hereafter established. R.S.O. 1970, c. 430, s. 16.

Interpre-
tation

17. In this Part,

- (a) "combined separate school zone" means a union of two or more separate school zones;
- (b) "Department" means the Department of Education;
- (c) "Minister" means the Minister of Education;
- (d) "parcel of land" means a parcel of land that by *The Assessment Act* is required to be separately assessed;
- (e) "regulations" means the regulations made under *The Department of Education Act*;
- (f) "rural school" means a separate school for Roman Catholics in a township or in territory without municipal organization;
- (g) "rural separate school zone" means a separate school zone established under section 18 in a school section in one or more townships or under section 22 in territory without municipal organization;
- (h) "secretary" or "treasurer" includes a secretary-treasurer;
- (i) "separate school" means a separate school for Roman Catholics;
- (j) "separate school zone" means the area in which property may be assessed to support a separate school or schools under the jurisdiction of one separate school board;
- (k) "urban school" means a separate school for Roman Catholics in a city, town or village;
- (l) "urban separate school zone" means a separate school zone established under section 18 in an urban municipality. R.S.O. 1970, c. 430, s. 17.

Meeting to
establish a
separate
school

18.—(1) Not fewer than five heads of families, being householders or freeholders resident within any former school

section of a township, or within a city, town or village, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school therein for the election of trustees.

(2) Where a separate school is to be established in a township school area, the householders or freeholders referred to in subsection 1 shall be resident within a former school section as it existed immediately before the formation of the township school area. R.S.O. 1970, c. 430, s. 18.

19. Any person being a Canadian citizen and not less than eighteen years of age may be elected a trustee whether he is or is not a householder or freeholder. R.S.O. 1970, c. 430, s. 19; 1971, c. 98, s. 4, Sched., par. 31. Trustees' qualifications

20.—(1) A majority of the persons present, being householders or freeholders, and Roman Catholics, may at the meeting elect from the duly qualified persons the requisite number of trustees. Election of trustees

(2) Where a meeting is convened to establish a separate school in an urban municipality that is divided into wards, unless at such a meeting a motion is passed to elect trustees by wards in accordance with section 39, the trustees shall be elected by general vote. R.S.O. 1970, c. 430, s. 20. In urban municipalities in wards

21.—(1) Notice in writing that the meeting has been held, and of the election, shall be delivered by one of the trustees so elected to the head of the municipality or to the chairman of the board of public school trustees in the township, village, town or city in which the school is about to be established, designating by their names, occupations and residences the persons elected as trustees. Notice of meeting; and to whom given

(2) The officer receiving the notice shall endorse thereon the date of its receipt, and shall deliver a copy of the notice so endorsed and duly certified by him to the trustees, who shall forthwith transmit the copy and a copy of the minutes of the meeting and of the notice calling it to the Department. Notification of result to Department

(3) From and after the delivery of the notice to such officer the trustees therein named are a body corporate under the name, in the case of a city, town or village, of "The Board of Trustees of the Roman Catholic Separate Schools for the City (Town or Village, *as the case may be*) of " and in the case of rural boards of "The Board of Trustees of the Roman Catholic Separate School for School Section Number , in the Township of " Corporate name of trustees

(4) Where a separate school is established in a township school area, the name of the board of the separate school shall include the number of the former school section in which the school is situated. R.S.O. 1970, c. 430, s. 21. Name of board in a township school area

Meeting
for purpose
of electing
trustees

22.—(1) In unorganized townships and in any part of Ontario not surveyed into townships,

- (a) ten or more heads of families; or
- (b) where the school is to be united, effective on the 1st day of January of the following year, with one or more separate schools to form a combined separate school, five or more heads of families,

who are Roman Catholics, may, at a public meeting called for that purpose, elect three of their number as school trustees, and the trustees so elected have all the powers of a public school board in unorganized townships, and are in all other respects subject to the provisions of this Act.

Where
school
not united

(2) Where in any year a school is established by not fewer than five heads of families under clause *b* of subsection 1, the public meeting for the election of trustees shall be held before the 1st day of June in that year, and the separate school board so formed shall proceed in the same year to implement the provisions of section 34, and if the school is not united with one or more separate schools to form a combined separate school before the 1st day of August in that year under section 34, the board is dissolved on that date.

Corporate
name of
board

(3) The trustees are a body corporate under the name of,

- (a) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. of the Township of in the Territorial District of"

(inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the appropriate supervisory officer that will be used until a school section is formed that includes the separate school within its boundaries);

- (b) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of in the Territorial District of"

(inserting a name selected by the appropriate supervisory officer and the name of the territorial district).

Legislative
grants

(4) On receipt of notice by the Department signed by the trustees so elected that a school has been established and suitable accommodation provided for school purposes, the Minister may pay to the board out of the appropriation made by the Legislature for public and separate schools such sum for the maintenance of the school as may be approved by the Lieutenant Governor in Council.

- (5) The board may appoint a fit and proper person, who may be one of the trustees, to collect the rates imposed upon the supporters of the school or the sums that the inhabitants or others have subscribed or a rate-bill imposed upon any person, and may pay to the collector at the rate of not less than 5 and not more than 10 per cent on the money collected by him, and every collector shall give such security as may be required by the board. Appointment of collector
- (6) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township. Powers and duties of collectors
- (7) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed. Return of arrears of taxes in unorganized territory
- (8) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector. Entry in sheriff's book
- (9) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him. Payment of arrears thereafter
- (10) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board. When arrears to be paid to sheriff
- (11) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. R.S.O. 1970, c. 430, s. 22. Sale of lands for arrears

23. Section 37 of *The Public Schools Act* applies *mutatis mutandis* with respect to separate schools in territory without municipal organization. R.S.O. 1970, c. 430, s. 23. Assessment appeals, etc. R.S.O. 1970, c. 385

Right to
vote re-
estab-
lish-
ment of
separate
school

24.—(1) A Roman Catholic who is a householder or freeholder and of the full age of eighteen years and who desires to establish a separate school is entitled, in the year in which the separate school is established, to vote on any matter relating to such separate school if,

- (a) in the case of a township, he resides in the former school section in which the separate school is being established; or
- (b) in the case of an urban municipality, he resides in the municipality; or
- (c) in the case of a separate school for a ward in an urban municipality, he resides in the ward; or
- (d) in the case of territory without municipal organization, he resides in territory without municipal organization and within three miles of the centre designated by the ten or more heads of families who call a meeting under subsection 1 of section 22. R.S.O. 1970, c. 430, s. 24 (1); 1971, c. 98, s. 4, Sched., par. 31.

Persons
qualified
to call
meeting
under s. 22

(2) The persons who are entitled to vote under clause *d* of subsection 1 are the persons qualified to call a meeting under subsection 1 of section 22. R.S.O. 1970, c. 430, s. 24 (2).

Right of
person to
attend
separate
school

25.—(1) Every person who has attained the age of five years on or before the 31st day of December in any year and whose parent or guardian resides in a separate school zone and is a separate school supporter has the right to attend, after the 1st day of September in the following year, a separate school in that zone at the expense of the separate school board, except a person who, by reason of mental or physical defect, is unable to profit by instruction in the separate school or a person who has attained the age of twenty-one years.

Determina-
tion as to
whether or
not person
can profit by
instruction

(2) Where a question arises as to whether or not a person can profit by instruction in a separate school, the matter shall be referred to a committee appointed by the Minister for that purpose, and the decision of the committee is final.

Evidence
as to right
to attend

(3) It is the responsibility of the parent or guardian to submit evidence that the child has a right to attend the separate school, including proof of age.

Kindergarten

(4) Where a board operates a kindergarten in a separate school, the age at which the child has the right to attend kindergarten in that school is lower by one year than that stated in subsection 1.

Junior
kindergarten

(5) Where the board operates a junior kindergarten in a separate school, the age at which the child has the right to attend junior kindergarten in that school is lower by two years than that stated in subsection 1.

(6) The board may charge a fee as provided in section 72 of *The Schools Administration Act*, to be prepaid monthly by the parent or guardian for attendance in kindergarten or junior kindergarten of pupils who have not attained the age stated in subsection 1. R.S.O. 1970, c. 430, s. 25 (1-6). Kindergarten fees
R.S.O. 1970, c. 424

(7) A child who is a ward of a children's aid society or who is in the care of a children's aid society shall be admitted, without the payment of a fee, to a separate school operated by the board of the separate school zone in which the child resides. 1971, c. 70, s. 1 (1). Admission of ward of children's aid society

NOTE: Subsection 7, as set out above, comes into force on the first day of January, 1972. See 1971, c. 70, s. 1 (1), s. 4 (1).

(8) REPEALED: 1971, c. 70, s. 1 (2).

NOTE: Subsection 8 is repealed as of the first day of January, 1972. See 1971, c. 70, s. 1 (2), s. 4 (1).

(9) Where a child who is a Roman Catholic and who is in the custody of a corporation, society or person and who is not qualified for admission under the other provisions of this section resides with a supporter of a separate school and the supervisory officer of the separate school certifies that there is sufficient accommodation in the separate school for the current school year, the separate school board shall admit the child to a separate school upon the prepayment monthly by the corporation, society or person of a fee as provided in section 72 of *The Schools Administration Act*. Idem

- (10) Subject to subsection 2, a child whose mother,
- (a) resides in Ontario;
 - (b) is the sole support of the child;
 - (c) is not assessed as a supporter of a public or separate school in any school section; and
 - (d) boards her child, who is a Roman Catholic, with a supporter of a separate school in a residence other than a children's boarding home as defined in *The Children's Boarding Homes Act*,
- Admission of child whose mother is sole supporter, etc.

R.S.O. 1970, c. 65

shall be admitted to the separate school without the payment of a fee.

(11) Subject to subsection 2, where a child whose parent or guardian is a separate school supporter moves with his parent or guardian into a residence that is assessed for public school purposes, and the date upon which the assessment for the current year may be changed to the support of separate schools has passed, upon the filing of a notice of change for the following year with the clerk of the municipality, the child shall be admitted to a separate school by the board of the separate school zone in which he and his parent or guardian reside without the payment of a fee. Admission where separate school supporter moves into residence assessed to public school support

Agreement
between
boards

R.S.O. 1970,
c. 424

(12) A separate school board may by agreement with another separate school board furnish education for the pupils of the other board and for that purpose shall charge a fee calculated in accordance with section 72 of *The Schools Administration Act*.

Agreements
for edu-
cation of
separate
school pupils
in public
school

(13) A separate school board and a public school board may enter into an agreement in respect of the provision of education in a school under the jurisdiction of the public school board for pupils of the separate school board in a course or courses that are not available in a school under the jurisdiction of the separate school board, or that are considered by the separate school board to be not readily accessible to the pupils in respect of whom the agreement is made where,

- (a) the appropriate supervisory officer of the public school board certifies that accommodation is available in such school for such pupils; and
- (b) the separate school board pays a fee for each such pupil calculated in accordance with section 72 of *The Schools Administration Act*.

Where
separate
school
supporter
resides in
one zone
but is
closer by
road to a
separate
school in
another
zone

(14) Where a separate school pupil resides with his parent or guardian in one zone and his residence is nearer by road to a separate school in another zone, as certified by the supervisory officer for the zone in which the pupil resides, the board of the other zone may admit the pupil for the current year if the supervisory officer for that school certifies that there is sufficient accommodation for him, and, unless the board of the zone in which he resides furnishes transportation for him to a school in his zone, the board of the zone in which he resides shall pay to the other board a fee calculated in accordance with section 72 of *The Schools Administration Act*. R.S.O. 1970, c. 430, s. 25 (9-14).

Where a
separate
school
supporter
resides in
one zone but
owns land in
another zone

(15) Where a parent or guardian wishes to enrol his child in a separate school in a zone other than the one in which the parent or guardian and the child reside, and the parent or guardian is assessed for separate school purposes in that zone,

- (a) as an owner; or
- (b) for business assessment; or
- (c) as an owner and for business assessment,

for an amount that, when adjusted by the assessment equalization factor applicable thereto, as determined under section 71 of *The Assessment Act* is not less than the quotient obtained by dividing the total equalized assessment, for the year next preceding, of property rateable for separate school purposes in that zone, by the average daily enrolment of pupils resident in that zone in such year, the child shall be admitted to a separate school by the board of that zone without the payment of a fee. 1971, c. 70, s. 1 (3).

R.S.O. 1970,
c. 32

NOTE: Subsection 15, as set out above, comes into force on the first day of January, 1972. See 1971, c. 70, s. 1 (3), s. 4 (1).

(16) Where a child, whose parent or guardian is a Roman Catholic, resides with his parent or guardian on land that is exempt from taxation for school purposes, he shall be admitted to a separate school that is accessible to him and in which the appropriate supervisory officer has certified that there is sufficient accommodation for the current school year, and fees shall be paid in accordance with the regulations respecting the education of such pupils.

Residents
on tax-exempt
land

(17) Where a separate school pupil resides with his parent or guardian in a combined separate school zone under Part III and attends a separate school in another combined separate school zone in which he resides shall pay a fee calculated in accordance with section 72 of *The Schools Administration Act* to the combined separate school board that operates the separate school attended by the pupil. R.S.O. 1970, c. 430, s. 25 (16, 17).

Where
pupil
residing in
combined
separate
school zone
attends
school in
another
combined
zone
R.S.O. 1970,
c. 424

RURAL SEPARATE SCHOOLS

26. For every rural school there shall be three trustees, each of whom, after the first election, shall hold office for three years and until his successor has been elected. R.S.O. 1970, c. 430, s. 26.

Trustees'
term of
office

27.—(1) The trustees elected at the first meeting shall hold office,

Retirement
by rotation

- (a) the person first elected, for two years from the annual school meeting next after his election and until his successor has been elected;
- (b) the person secondly elected, for one year from such annual school meeting and until his successor has been elected;
- (c) the person last elected, until the next ensuing annual school meeting and until his successor has been elected.

(2) A trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected.

Vacancies

(3) A retiring trustee may be re-elected with his own consent, otherwise he is exempt from serving for four years next after leaving office. R.S.O. 1970, c. 430, s. 27.

Re-elec-
tion

28.—(1) Every householder or freeholder of the full age of eighteen years, who is a supporter of a rural separate school, is entitled to vote at any election for school trustee or on any school question at any annual or special meeting of the supporters of the school. R.S.O. 1970, c. 430, s. 28 (1); 1971, c. 98, s. 4, Sched., par. 31.

Electors,
qualifica-
tion

(2) A person who is a Roman Catholic and is the wife of a supporter of a rural separate school who is entitled to vote under

Idem

subsection 1 is entitled to vote at the election of trustees of such school and on any question submitted to a meeting of the supporters, except a question involving the selection of a school site or an expenditure for a permanent improvement. R.S.O. 1970, c. 430, s. 28 (2).

Annual
meeting

29.—(1) A meeting of the supporters of a rural school for the purpose among other things of electing trustees shall be held annually on the last Wednesday in December or, if that day is a holiday, on the next day following, commencing at the hour of 10 o'clock in the forenoon, or if the board by resolution so directs, at the hour of 1 o'clock or 8 o'clock in the afternoon, at such place as the board by resolution determines or, in the absence of such resolution, at the separate school.

Idem

(2) Where the annual meeting of supporters of the school cannot conveniently be held as provided for in subsection 1, the supporters, at a regular meeting or at a special meeting called for that purpose, may pass a resolution naming another day for the holding of the annual meeting and, upon receiving the Minister's approval, the annual meeting shall be held on that day in each year thereafter unless with the Minister's approval some other day is similarly named; provided that no subsequent alteration of the day for holding the annual meeting may be made until at least three annual meetings have been held on the day previously named and approved.

Organiza-
tion of
meeting

(3) The supporters of the school present at the meeting shall elect one of themselves to preside over its proceedings and shall also appoint a secretary who shall record the proceedings of the meeting and perform such other duties as are required of him by this Part.

Order of
business

(4) The business of the meeting may be conducted in the following order:

- (a) receiving and dealing with the annual report of the trustees;
- (b) receiving and dealing with the annual report of the auditors;
- (c) electing one or more auditors for the current year;
- (d) electing a trustee or trustees to fill any vacancy or vacancies; and
- (e) miscellaneous business.

Chairman,
duties

(5) The chairman shall preside and shall submit all motions to the meeting in the manner desired by the majority, and the chairman is entitled to vote on any motion, and, in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected, and, in the case of a tie vote on a question, the question is deemed to be negatived.

(6) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the poll.

Granting
poll and
proceed-
ings in case
of a poll

(7) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

Entries in
poll book

(8) Ballot papers shall be pieces of plain white paper of uniform size.

Form of
ballot paper

(9) A voter shall mark his ballot,

Marking of
ballot paper

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(10) Each voter shall mark his ballot paper in a compartment or other place provided for the purpose that is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container that has been placed and is kept upon a table for the purpose.

Manner of
voting

(11) Every candidate may appoint a person to act as his scrutineer during the election. R.S.O. 1970, c. 430, s. 29 (1-11).

Appoint-
ment of
scrutineer

(12) When an objection is made to the right of a person to vote at an annual or special meeting, either for trustee or upon a school question, the chairman shall require the person whose right to vote is objected to to make the following declaration, whereupon the person making the declaration is entitled to vote:

When
voter is
objected to

I,, declare,

(a) that I am a householder or freeholder assessed to the support of
.....; or
(insert name of board)

(b) that I am the wife of a supporter of
.....; and
(insert name of board)

(c) that I am of the full age of eighteen years; and

(d) that as such supporter or wife of a supporter I have the right to vote at this meeting.

R.S.O. 1970, c. 430, s. 29 (12); 1971, c. 98, s. 4, Sched., par. 31.

When poll
shall close

(13) The poll shall not close before noon, but shall close at anytime thereafter when a full hour has elapsed without any vote being polled, and shall not be kept open later than 4 o'clock in the afternoon.

Polling at
afternoon
meetings

(14) When the meeting is held at 8 o'clock in the afternoon the supporters present may decide by resolution that the polling shall take place forthwith or at 10 o'clock on the following morning, and if it takes place forthwith the poll shall close when ten minutes have elapsed without any vote being recorded.

Counting
votes,
tie vote

(15) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and,

- (a) in the case of a tie vote with respect to the election of two or more candidates, the chairman shall give a casting vote or provide for drawing lots to determine which of the candidates is elected; and
- (b) in the case of a tie vote on a question, the question is deemed to be negatived.

Declaration
of result

(16) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same.

Statement
of result
of poll

(17) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

Secretary
to transmit
minutes to
inspector

(18) A correct copy of the minutes of every meeting, signed by the chairman and secretary of the meeting, shall be transmitted forthwith by the secretary to the supervisory officer of the separate school.

Meetings
called in
default of
first or
annual
meetings

(19) If from want of proper notice or other cause any meeting for the election of trustees is not held at the proper time the supervisory officer or any two supporters of the school may call a meeting by giving six days notice posted up in at least three of the most public places in the locality in which the school is situate, and the meeting thus called has all the powers and shall perform all the duties of the meeting in the place of which it is called. R.S.O. 1970, c. 430, s. 29 (13-19).

Organiza-
tion and
quorum

30. A majority of the trustees is a quorum, and the board shall be organized by the election of a chairman and of a secretary and a treasurer or of a secretary-treasurer. R.S.O. 1970, c. 430, s. 30.

31. No act or proceeding is valid that is not adopted at a regular or special meeting of the board of which notice has been given as required by this Act and at which at least two trustees are present. R.S.O. 1970, c. 430, s. 31. Regularity

32. It is the duty of the secretary,

Duties of
secretary

- (a) to call, at the request in writing of two trustees, a special meeting of the board; and
- (b) to give notice of all meetings to each of the trustees by notifying him personally or in writing, or by sending a written notice to his residence. R.S.O. 1970, c. 430, s. 32.

33. Where a board neglects or the ratepayers at an annual or special meeting neglect to appoint an auditor, or an auditor appointed refuses or is unable to act, the Minister, upon the request in writing of any five supporters of the school, may make the appointment. R.S.O. 1970, c. 430, s. 33.

Appoint-
ment of
auditor by
Minister

34.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of uniting the school with one or more other separate schools to form a combined separate school and, where the majority of the supporters of each of two or more separate schools who vote on the question vote in favour of union, the trustees of the board of each separate school to be united shall give notice, before the 1st day of August, to the Minister and the clerks of the municipalities in which the separate schools are situated, and the combined separate school thus formed shall be deemed one school for all Roman Catholic separate school purposes on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be one school on the day of nomination for trustees of the combined separate school.

Formation
of combined
separate
school

(2) In order to adjust the rights and claims of the combining boards, the supporters of any school may offer to assume and may assume a differential in rates for a stated period of time.

Adjustment
of rights

(3) When a combined separate school becomes one school for all Roman Catholic separate school purposes, the board of each school forming part of the union is dissolved, and all the real and personal property vested in such board is vested in the board of the combined separate school.

Dissolution
of boards

(4) The trustees of a combined separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of"

Corporate
name

(in the case of a combined separate school zone including one or more urban municipalities, insert in order of population, commencing with the municipality having the greatest population, the names of the

urban municipalities and, in alphabetical order, the township municipalities and geographic townships in which the Board has one or more centres and the names of rural zones in unsurveyed territory but, where an urban municipality has a population of 2,000 or more, the names of the municipalities having a population of less than 2,000 may be omitted and, in the case of a combined separate school zone that does not include an urban municipality, insert in alphabetical order the names of the township municipalities and geographic townships in which the Board has one or more centres and the names of rural zones in unsurveyed territory and, where the centres of two or more combined separate school zones are located in the same municipality or geographic township, a number shall be assigned by the appropriate supervisory officer).

First
trustees

(5) For the purpose of electing the first trustees for a combined separate school, the boards of the separate schools forming the combined separate school shall, before the 1st day of December, each appoint a person to a committee, which shall arrange for the election of trustees in accordance with section 29 or 43 and may pass a resolution adopting municipal elections under section 44.

Trustees

(6) Where a combined separate school is formed or where another separate school is added to or detached from a combined separate school, the trustees in office shall retire on the 1st day of January following the election of trustees of the combined separate school, and, subject to subsections 10 and 11, five trustees shall be elected by the supporters of the newly-created or altered combined separate school as provided in section 29.

Term of
office

(7) Of the five trustees elected at the first election, the three trustees receiving the highest, second highest and third highest number of votes shall hold office for two years and the two remaining trustees shall hold office for one year, and every trustee shall continue in office until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 48 of *The Schools Administration Act*.

R.S.O. 1970,
c. 424

Equality
of votes
at first
election

(8) In case, at the first election of trustees, two or more trustees receive an equal number of votes or all the trustees are declared elected by acclamation, the question as to which trustees shall hold office for two years shall be determined by lot to be cast by the secretary appointed under subsection 3 of section 29 in the presence of a majority of the elected trustees and the result shall be entered in the minutes of the meeting.

Subsequent
elections

(9) After the first election, an election shall be held in each year to fill the office of any trustee whose term of office expires in that year and the trustee elected shall hold office for two years and until his successor has been elected and a new board is organized at the first meeting of the board held in accordance with section 48 of *The Schools Administration Act*.

(10) Where a combined separate school zone includes one or more urban municipalities, the board shall be composed of the same number of trustees as the separate school board of the urban municipality having the greatest population would have had under section 38, and the board shall be deemed to be an urban board and the zone shall be deemed to be an urban combined separate school zone.

Trustees in combined separate school zone including urban municipality

(11) Notwithstanding subsections 6 and 10, the board of a combined separate school may be composed of such number of trustees, not fewer than five or more than thirteen, representing such municipalities or parts thereof, or separate school zones in territory without municipal organization, within the combined separate school zone as is provided for in a resolution passed by the board, or, in the case of a newly-formed combined separate school, by the committee formed under subsection 5, and the board of the combined separate school zone shall be deemed to be an urban separate school board.

Resolution providing for trustees

(12) Where a resolution is passed under subsection 11 the trustees shall be elected at large in the areas within the combined separate school zone that they respectively represent, and sections 43, 44 and 45 apply *mutatis mutandis*, provided that, where a municipality is divided into wards, the resolution may provide for representation by wards, and the trustees shall hold office for such terms as the resolution prescribes.

Election and term of office

(13) Where one or more trustees represent two or more municipalities or parts thereof, or two or more municipalities or parts thereof and one or more separate school zones in territory without municipal organization and a resolution is passed adopting municipal elections under section 44, the resolution shall state in which municipality the vote is to be conducted, and the clerk of each other municipality or part thereof and the secretary of each separate school zone that is represented by the same trustee or trustees shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part or zone indicating the names of all persons thereon who are separate school supporters.

Voters' list for areas in combined zone

(14) The board or committee that passes a resolution under subsection 11 shall forthwith send a copy thereof to the Minister.

Copy of resolution to be sent to Minister

(15) A board of a combined separate school zone may, without the approval of the supporters, acquire a school site in any school section in which a separate school was formed and which became part of the combined separate school zone.

School sites for a combined board

(16) Every person,

- (a) who resides in an urban municipality in an urban combined separate school zone and is entitled to vote at the election of trustees under section 46; or

Electors' qualifications, urban combined separate school zone

- (b) who resides in a township or territory without municipal organization in an urban combined separate school zone and would be entitled to vote at the election of trustees under section 28 if the combined separate school were a rural separate school,

is entitled to vote at the election of trustees of the combined separate school and on any school question.

Electors' qualifications, rural combined separate school zone

(17) Every person who resides in a rural combined separate school zone and is entitled to vote at the election of trustees under section 28 is entitled to vote at the election of trustees of the combined separate school and, subject to subsection 2 of section 28, on any school question. R.S.O. 1970, c. 430, s. 34.

Detaching school from combined school

35.—(1) Where a petition of ten heads of families, being householders or freeholders who are supporters of a combined separate school, to detach a separate school from the combined separate school is submitted in any year to the combined separate school board, the board shall provide for a vote on the question within ninety days of the receipt of the petition.

Qualified voters for detaching a separate school from a combined separate school

(2) The persons entitled to vote on the question are the supporters of the combined separate school who reside closer to the centre in the portion of the combined separate school zone that it is proposed to detach than to any other centre.

When school detached

(3) If, before the 1st day of July in any year, a majority of the supporters who are entitled to vote on the question vote in favour of detaching the school, it is detached on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be detached on the day of nomination for trustees, and the requisite number of trustees of the separate school so detached shall be elected as provided in section 29 or 43, as the case may be.

Adjustment of assets, etc.

(4) Where a school or schools is or are detached under this section, subsections 2 and 3 of section 37 apply *mutatis mutandis*, except that the combined separate school board and the board or boards of the school or schools detached shall each appoint an arbitrator. R.S.O. 1970, c. 430, s. 35.

Selection or change of school site

36.—(1) The board of a rural separate school zone has power to select a site for a new schoolhouse or to agree upon a change of site for an existing schoolhouse, and shall forthwith call a special meeting of the supporters of the school to consider the site selected, and no site shall be adopted or change of school site made except in the manner hereinafter provided without the consent of the majority of such special meeting.

Arbitration when trustees and ratepayers differ as to site

(2) If a majority of the supporters present at the special meeting differ as to the suitability of the site selected, each party shall then and there appoint an arbitrator, and the supervisory

officer of separate schools for the district in which the school is situate, or, in case of his inability to act, a person appointed by him to act on his behalf, shall be the third arbitrator, and the three arbitrators, or a majority of them present at any lawful meeting, have authority to make and publish an award upon the matter submitted to them.

(3) With the consent or at the request of the parties to the reference the arbitrators, or a majority of them, have authority, within one month from the date of their award, to reconsider the award and within two months thereafter to make and publish a second award, which award, or the previous one if not reconsidered by the arbitrators, is binding upon all parties concerned for at least five years from the date thereof. R.S.O. 1970, c. 430, s. 36.

Recon-
sideration
of award

37.—(1) Where a separate school has been established in a school section that includes an urban municipality or a portion of an urban municipality, and a township or a portion of a township, and a majority of the ratepayers assessed as separate school supporters in the township or portion of a township petition the board of the separate school to notify the supervisory officer of separate schools that the separate school supporters in the township or portion of a township are desirous of establishing a separate school therein, the supervisory officer may signify in writing to the board his approval of the establishment of the separate school, and thereupon a meeting may be held for the establishment of a separate school and the election of trustees, and the school may be established and trustees may be elected in the manner provided by this Part.

Establish-
ment of
separate
school in a
portion of
rural
section

(2) The supervisory officer and two other persons, one of whom shall be chosen by the separate school board of the urban municipality and the other by the board of the separate school so established in the township or portion of a township, shall constitute a board of arbitrators who, or a majority of whom, shall determine what proportion of the assets and liabilities of the original separate school board shall belong to, be paid to or be borne by the separate school board of the urban municipality and the board of the rural separate school respectively, and shall adjust all matters consequent upon the separation, and the award of the arbitrators is final and binding.

Arbitra-
tion

(3) Nothing in this section relieves any property from liability for rates levied or to be levied for payment of school debentures issued prior to the establishment of the township separate school. R.S.O. 1970, c. 430, s. 37.

Property
liable for
debentures

URBAN BOARDS

38.—(1) Except as provided in section 39, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year.

Election of
trustees
in urban
municipal-
ities by
general vote

Number of trustees

(2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown by the municipal census for the year preceding the year in which the election is held, as follows, where the population was,

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees.

Change in number of trustees

(3) Where it becomes evident from the census of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected. R.S.O. 1970, c. 430, s. 38.

Urban municipality divided into wards

39.—(1) An urban separate school board for an urban municipality that is divided into wards may be composed of two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five or more wards

(2) An urban separate school board for an urban municipality that is divided into five or more wards may be composed of one trustee for each ward elected by the separate school supporters of that ward for a term of two years.

Change from election by wards to general vote

(3) The composition and election of an urban separate school board that is elected as provided in subsection 1 or 2 may be changed to that provided in section 38. R.S.O. 1970, c. 430, s. 39.

Method of changing composition and election of board

40.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in any one of the subsections in section 39 to that provided in any other subsection in that section, provided that the resolution of the board for a change has been submitted to the supporters of the separate schools of the urban municipality and has received the affirmative vote of a majority of the supporters who voted on the resolution.

Election of new board after change

(2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Limitation on changing method of election

(3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years. R.S.O. 1970, c. 430, s. 40.

41. At the first election of the trustees of an urban separate school board and at the first election of trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year, Determination of retirement of trustees

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting. R.S.O. 1970, c. 430, s. 41.

42. A trustee shall continue in office until his successor is elected and the new board is organized. R.S.O. 1970, c. 430, s. 42. Term of office

43.—(1) Subject to section 44, the voting for the election of trustees of an urban separate school board and for all urban school purposes shall be by ballot. Voting to be by ballot

(2) Within three days of a request in writing of the board of an urban separate school zone, the clerk of the urban municipality shall furnish to the board, Voters' list for urban school zone

- (a) where the municipality is divided into wards, the voters' list of each ward; or
- (b) where the municipality is not divided into wards, the voters' list of each polling subdivision in the municipality,

indicating the names of all persons thereon who are separate school supporters.

(3) Where an urban separate school zone includes an urban municipality and part of another municipality, Where zone includes urban municipality and part of another municipality

- (a) within three days of a request in writing of the board of the urban separate school zone, the clerk of the other municipality shall furnish to the board a list of voters of the part of the municipality included in the urban separate school zone, indicating the names of all persons thereon who are separate school supporters; and
- (b) a person who is entitled to vote at the election of trustees of the board and who resides outside the urban municipality is entitled to vote in that ward or division of the urban municipality in which the school house is situate that is nearest to his place of residence.

Voters' list for combined separate school zone

(4) Within three days of a request in writing of a board of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, shall furnish to the board a list of voters of the municipality or part indicating the names of all persons thereon who are separate school supporters. R.S.O. 1970, c. 430, s. 43.

Adoption of municipal elections

44.—(1) An urban separate school board may, by resolution passed between the 1st day of May and the 1st day of October in any year, require the vote for the election of trustees to be conducted in the same manner as municipal elections in the municipality in which the separate school is situate, or, in the case of a combined separate school zone that includes one or more urban municipalities, in the urban municipality that has the greatest population.

Discontinuation

(2) The board may in like manner discontinue the voting conducted in the manner of municipal elections.

When manner of voting may be changed

(3) Where the board requires the vote to be conducted in the same manner as municipal elections and elections are so held, no change in the mode of voting shall be made unless the board has been elected by the same mode for a period of four years.

Time and place, etc., of elections

(4) Where a resolution is passed in any year under subsection 1,

- (a) the election of trustees in that year and in subsequent years shall be held at the same place and time and conducted by the same officers and in the same manner as municipal elections in the municipality in which the vote is to be conducted;
- (b) the meeting of the supporters of the urban or combined separate school for the nomination of candidates shall be held on the same day as the meeting for the nomination of candidates for council;
- (c) the board shall advertise in each of its schools the place and time of the nomination meeting, and the secretary of the board shall report the names of the nominees to the clerk of the municipality in which the vote is to be conducted;
- (d) in the case of a combined separate school zone, the clerk of each municipality, all or part of which is included in the combined separate school zone, except the municipality in which the vote is to be conducted, shall furnish to the clerk of the municipality in which the vote is to be conducted a list of voters of the municipality or part included in the combined separate school zone, indicating the names of all persons thereon who are separate school supporters;

- (e) the provisions of *The Municipal Act* with respect to elections, except with respect to the nomination of candidates, apply *mutatis mutandis*, except that the oath to be taken by a voter shall be in the form prescribed in clause *a* of section 45. R.S.O. 1970, c. 430, s. 44. R.S.O. 1970,
c. 284

45. Where the voting is to be by ballot, the provisions of *The Municipal Act* for and relating to holding the municipal elections, including those as to recount, secrecy of proceedings, offences and penalties, apply *mutatis mutandis*, except that, R.S.O. 1970,
c. 284 to
apply

- (a) the oath to be taken by a voter shall be: Form of
oath

You swear that you are the person named (*or* intended to be named) in the list of voters now shown to you (*showing the list to the voter*);

That you are of the full age of eighteen years;

That you are a Roman Catholic separate school supporter or that you are a Roman Catholic and the wife or husband of a Roman Catholic separate school supporter;

That you have not voted before at this election;

That you have not, directly or indirectly, received any reward or gift and do not expect to receive any for the vote which you tender at this election;

That you have not received anything, nor has anything been promised you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team or any other service connected with this election;

That you have not, directly or indirectly, paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God;

- (b) when the result of the polling is indecisive by reason of two or more candidates having an equal number of votes, all of them shall be notified of the first meeting of the board after the election, and the member of the board present at such meeting who is assessed for the largest sum on the last revised assessment roll shall, before the organization of the board, give a vote for one or more of such candidates so as to decide the election; Casting
vote

- (c) the duties to be performed by the clerk shall be performed by the secretary; and Duties of
secretary

- (d) the word "secretary" shall be substituted for the words "clerk" or "clerk of the municipality" wherever they occur. R.S.O. 1970, c. 430, s. 45; 1971, c. 98, s. 4, Sched., par. 31. Substituted
term

46. In urban municipalities every person whose name is on the voters' list as entitled to vote at municipal elections and who is a supporter of separate schools for Roman Catholics, or who, being a Roman Catholic, is the wife or husband of a supporter of such separate schools, is entitled to vote at the election of trustees of the separate schools. R.S.O. 1970, c. 430, s. 46. Election of
trustees,
who may
vote

ELECTION IRREGULARITIES

No election to be invalid for want of compliance with Act where result not affected

47. No election is invalid by reason of non-compliance with the provisions of this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of forms, or of any irregularity, if it appears that the election was conducted in accordance with the principles laid down in this Act, and that the non-compliance or mistake or irregularity did not affect the result of the election. R.S.O. 1970, c. 430, s. 47.

CONTROVERTED ELECTIONS

Investigation of complaints by judge

48.—(1) A judge, if a complaint respecting the validity or mode of conducting the election of any trustee in any municipality within his county or district is made to him within twenty days after the election, shall receive and investigate the complaint, and shall thereupon within a reasonable time, in a summary manner, hear and determine the same.

Powers of judge

(2) The judge may by order cause the assessment rolls, collectors' rolls, poll books and any other records of the election to be brought before him, and may inquire into the facts on affidavit or by oral testimony, and may cause such persons to appear before him as he considers expedient, and may confirm the election or set it aside, or declare that some other candidate was duly elected.

Order of judge

(3) The judge may order a person found by him not to have been duly elected to be removed, and if the judge determines that any other person was duly elected, he may order him to be admitted, and if he determines that no other person was duly elected instead of the person removed, he shall order a new election to be held and shall report his decision to the secretary of the board.

Bribery and undue influence
R.S.O. 1970, c. 284

(4) The provisions of *The Municipal Act* as to bribery and undue influence apply, and, where the election is complained of on those grounds, the inquiry by the judge in reference thereto shall be by oral testimony only. R.S.O. 1970, c. 430, s. 48.

BOARD MEETINGS

Special meetings

49. Special meetings of the board may be called by the chairman, and shall be called on the request in writing of two members of the board specifying the objects for which the meeting is to be held, which shall also be stated in the notice calling the meeting. R.S.O. 1970, c. 430, s. 49.

DUTIES AND POWERS OF TRUSTEES

Duties of board:
appointment of officers

50.—(1) It is the duty of every board and it has power,

(a) to appoint a secretary and a treasurer or a secretary-treasurer and one or more collectors, if requisite, of the

school fees or rate-bills, and the collector or collectors, and secretary and treasurer, or secretary-treasurer may be members of the board, and shall discharge duties, are subject to obligations and penalties, and have powers similar to those of like officers of the corporation of a municipality;

- (b) to appoint annually on or before the 1st day of December an auditor or auditors; appointment of auditors
- (c) to lay all the accounts of the board before the auditors, together with the agreements, vouchers, contracts and books in its possession, and to afford the auditors all the information in its power as to the receipt and expenditure of school money; accounts
- (d) to provide adequate accommodation and legally qualified teachers for all children who have the right to attend a school operated by the board; to provide accommodation and teachers
- (e) to acquire or rent school sites and premises and build school buildings; to acquire school sites
- (f) where the board has made a request to a municipality in accordance with section 71, to submit to the council of the municipality, on or before the 1st day of March in each year, the rates required by the board to be levied and collected in such municipality for all separate school purposes authorized by this Act to be collected from the separate school supporters of the separate schools under the control of the board; collection of rates
- (g) to give notice in writing to the Department, before the 15th day of January in each year, of the names and post office addresses of the trustees then in office and of the teachers employed by the board, and give reasonable notice in writing from time to time of any changes therein; notice of names and addresses
- (h) to exempt, in its discretion, from the payment of school rates wholly or in part, any indigent person, and to give notice of the exemption, when the school rate is collected by the municipal council, to the clerk of the municipality on or before the 1st day of February; exemptions and notice thereof
- (i) to take possession and have the custody and safe keeping of all school property, acquired or given for school purposes, and to acquire and hold as a corporation, by any title whatsoever, land, movable property, money or income given to or acquired by the board at any time for school purposes and hold or apply the same according to the terms on which it was acquired or received; and to dispose by sale or otherwise of any school site or school property not required in consequence of a change of school site or other cause, and to

possession and custody of property

convey the same and apply the proceeds thereof to school purposes or as provided by this Act;

other
powers and
duties

- (j) to exercise all such other powers and perform all such other duties of public school boards as are applicable to the case of separate schools, except as to matters as to which other provision is made by this Act. R.S.O. 1970, c. 430, s. 50 (1); 1971, c. 70, s. 2.

Appointment
of committees
by urban
boards

- (2) It is the duty of every urban board and it has power to appoint from its members annually, or oftener if considered expedient, and under such regulations as may be considered proper, a committee of not more than three for the special charge, oversight and management of each school within the city, town or village, and to see that all the schools under its charge are conducted according to the regulations.

Duties of
rural
boards:
time and
place of
meetings

- (3) It is the duty of every rural board and it has power,
- (a) to appoint the place of each annual school meeting of the supporters of the school, and the time and place of any special meeting for,
- (i) filling any vacancy in the board,
 - (ii) the selection of a new school site,
 - (iii) the appointment of a school auditor, or
 - (iv) any other school purpose,

and to cause notices of the time and place and of the objects of such meetings to be posted in three or more public places of the neighbourhood in which the school is situate at least six days before the time of holding the meeting;

payment of
salaries

- (b) to arrange for the payment monthly of teachers' salaries;

annual
report

- (c) to cause to be prepared and read at the annual school meeting a report for the year then ending, containing among other things a summary of the proceedings of the board during the year, together with a full and detailed account of the receipts and expenditures of all school money during such year, and signed by the chairman and by one or both of the school auditors;

report on
deaf or
blind

- (d) to ascertain and report to the Minister, at least once in each year, the names and ages of all children of school age who would otherwise be required to attend a school under its charge, who are deaf or blind;

providing
attendance
for minor
surgical
operations

- (e) if considered expedient, to provide for surgical treatment of children attending the school suffering from minor physical defects where, in the opinion of the teacher and (where a school nurse and medical inspector are employed) of the nurse and medical inspector, the

defect interferes with the proper education of the child, and to include in their estimates for the current year the funds necessary for cases where the parents are not able to pay. R.S.O. 1970, c. 430, s. 50 (2, 3).

- 51.** A separate school board may enter into an agreement with any other separate school board to provide for the other board,
- (a) accommodation for administrative purposes, or
 - (b) the services of a psychiatrist, psychologist or teacher.
- R.S.O. 1970, c. 430, s. 51.

Agreements to provide administrative accommodation or sharing of teachers, etc.

VACANCY IN OFFICE OF TRUSTEE

52.—(1) If a vacancy in the office of trustee for a rural school occurs from any cause the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor held office.

Vacancy in office of trustee

(2) The new election shall be conducted in the same manner and is subject to the same provisions as an annual election.

Proceedings at new election

(3) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a combined separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote.

Vacancies in urban boards and union boards

(4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a combined separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot.

Idem

(5) In the case of an urban separate school board or a combined separate school board,

Idem

- (a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant

office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;

- (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;
- (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
- (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot. R.S.O. 1970, c. 430, s. 52.

RATES, BORROWING POWERS AND GRANTS

Exemption
of
supporters
from public
school rates

53.—(1) Every person paying rates in a separate school zone on property that he occupies as owner or tenant or on unoccupied property that he owns, who by himself or his agent, on or before the 30th day of September in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic and that he wishes to be a separate school supporter, is exempt from the payment of all rates imposed on such property in the separate school zone for the support of public schools or for the purchase of land or the erection of buildings for public school purposes for the following year and every subsequent year while he continues to be a separate school supporter with respect to such property.

No renewal
required

(2) The notice is not required to be renewed annually.

Who may be
supporters
of separate
school

(3) Any person who is a Roman Catholic and resident on a parcel of land that is within a separate school zone may be a separate school supporter in that zone.

Rights of
non-residents
to be
assessed for
separate
school
R.S.O. 1970,
c. 32

(4) Any person who, if resident in a separate school zone, would be entitled to be a supporter of a separate school, on giving the notice provided in *The Assessment Act* that he is the owner of unoccupied land situate therein, may direct that all such land in the separate school zone shall be assessed for the purposes of the separate school.

Certificate
of notice

(5) Every clerk of a municipality, upon receiving the notice, shall deliver a certificate to the person giving the notice to the effect that the notice has been given and showing the date thereof.

Penalty for
wilful false
statements
in notice

(6) Any person who fraudulently gives such notice, or wilfully makes any false statement therein, does not thereby secure any exemption from the rates, and in addition is guilty of an offence and on summary conviction is liable to a fine of \$40.

(7) Nothing in this section exempts any person from paying any rate for the support of public schools, or public school libraries, or for the erection of a schoolhouse or schoolhouses, imposed before the establishment of the separate school. R.S.O. 1970, c. 430, s. 53.

As to rates imposed before separate school established

54.—(1) The boundaries of separate school zones shall be determined in relation to their centres.

Boundaries of zones

(2) Where a board operates a separate school, the centre of the separate school zone is the most northern corner astronomically of the site of the separate school provided that, where the most northern boundary of the site has a bearing of due west astronomically, the corner of the site at the western extremity of the most northern boundary is the centre.

Centre of zones

(3) Where a board operates two or more separate schools, there shall be a centre for each school.

Centres where two or more schools

(4) Where a board does not operate a school but owns one parcel of land, for the purpose of determining the centre of the separate school zone, the board shall be deemed to operate a school on such parcel of land.

Centre where board owns land but does not operate school

(5) Where a board does not operate a separate school or own a parcel of land, a parcel of land approved by the supporters for the purpose of determining the centre of the zone shall be deemed to be the site of a separate school for such purpose, and the board shall notify the Minister and the clerks of the municipalities concerned and the secretaries of boards of school sections affected in territory without municipal organization before the 30th day of September of the year in which the parcel was so approved.

Centre where board does not operate school or own site

(6) The centres of a combined separate school zone are the centres determined in respect of each school site on which a school is operated and include the centre of each former zone that became part of the combined separate school zone and in which a separate school is not operated.

Centres of combined zone

(7) Subject to section 55, every parcel of land that is wholly or partly within a radius of three miles from a centre of a separate school zone is within the zone.

Rural and combined separate school zones

(8) Subject to section 55, where a separate school board is established in an urban municipality, the urban separate school zone includes the urban municipality and any parcel of land that is within a radius of three miles from a centre in the urban municipality and that is within an urban municipality in which a separate school board has not been established or within a township.

Urban separate school zone

(9) Where a separate school board has heretofore been established for a ward in a municipality, the board is continued until

In wards

dissolved under this Act, and the separate school zone under the jurisdiction of the board includes any parcel of land within the ward.

Zones not to include organized and unorganized territory

(10) A separate school zone, except a combined separate school zone, shall not include land in a municipality as well as land in territory without municipal organization.

Separate school supervisory officer to prepare maps and descriptions of zones

(11) For each separate school zone that includes part or all of a township or territory without municipal organization, the supervisory officer of the separate school designated by the Minister shall,

- (a) prepare maps of each township in which part or all of a separate school zone is located showing the boundary of each separate school zone therein or partly therein;
- (b) describe each zone by indicating the name of the board, the centres in the zone, and the municipalities wholly or partly within the zone;
- (c) where the boundary of a zone is altered, prepare a revised map and description;
- (d) sign and date the original maps and description of each zone and retain them on file; and
- (e) furnish,
 - (i) to each separate school board, a map or description of its zone,
 - (ii) to the township clerk and assessor or assessment commissioner, a map showing the zone boundaries and a description of each zone, and
 - (iii) to the supervisory officer of each public school, a description of each separate school zone within his jurisdiction.

Arbitrate assets and liabilities

(12) When a separate school zone is established and the boundary of an adjoining separate school zone is thereby altered, the board concerned shall, in the manner provided in section 37, appoint arbitrators who shall determine the assets and liabilities of the boards and the amounts, if any, that shall be paid by one board to the other board, and the award of the arbitrators is final and binding.

Rates in unorganized territory in combined zone

(13) Where a combined separate school zone includes a former zone in territory without municipal organization and a former zone in a municipality, the combined separate school board is responsible for the levying and collecting of rates for separate schools in the territory without municipal organization and the board and the council of the municipality may enter into an agreement providing for the officers of the municipality to levy and collect rates for separate schools in such territory without municipal organization. R.S.O. 1970, c. 430, s. 54.

55.—(1) Where two or more separate school zones would otherwise overlap in a township or in territory without municipal organization, the appropriate supervisory officer shall, after he has consulted with the boards involved, determine a boundary between each of the zones in the township or territory.

Boundaries where zones overlap in township, etc.

(2) A boundary in the overlapping area may be altered before the 1st day of July in any year, and such alteration shall be effective on the 1st day of January of the following year, except that, for the purposes of the election of trustees, it shall be deemed to be effective on the day of nomination for trustees.

When alteration effective

(3) A separate school board or a separate school supporter affected by the determination of the supervisory officer may appeal the determination to the judge before the 1st day of August following the determination.

Appeal

(4) The boundaries of a separate school zone as determined by the supervisory officer or altered by a judge shall follow one continuous line so that all parts of the zone are adjoining.

All parts of zone to be adjoining

(5) Where a change in the boundary of a separate school zone under this section results in the transfer of a parcel of land from one zone to another zone, the taxes levied and collected for separate school support in respect of such parcel of land, in the year following the determination by the supervisory officer or judge, shall be paid to the separate school board of the zone to which the parcel of land is transferred. R.S.O. 1970, c. 430, s. 55.

Effect of change in boundaries

56.—(1) A separate school board or five supporters of a separate school may, before the 1st day of July in any year, hold a meeting of the separate school supporters to consider the question of discontinuing the separate school board, and, where the majority of the supporters vote in favour of discontinuing and fewer than five supporters vote in opposition, the board shall within thirty days notify the Minister, the supervisory officer of the separate school, the clerk of each municipality concerned and the public school supervisory officer, for any school board that may be affected thereby, and, for assessment purposes, the zone shall be discontinued on the 30th day of September following the meeting.

Discontinuing board by a vote of the supporters

(2) A separate school board is discontinued on the 31st day of December in any year,

Other conditions under which a separate school board is discontinued

- (a) if, before the 30th day of September in the year in which the board is established, the board fails to secure the approval of the supporters for a parcel of land for a site of a schoolhouse or for a centre of its zone; or
- (b) if, for any school term after the year in which the board was established, the board,

R.S.O. 1970,
c. 424

- (i) fails to operate a school, or
- (ii) fails to make an agreement with another separate school board for the education of its pupils and fails to provide transportation for the pupils who would otherwise be excused from attendance under clause c of subsection 2 of section 6 of *The Schools Administration Act*; or

(c) if no one is assessed as a supporter in the separate school zone on the assessment roll on which taxes are to be levied in the following year; or

(d) if the supporters fail to elect the required number of trustees in two successive annual or biennial elections, as the case may be.

Supervisory
officer to
notify
Minister,
etc.

(3) When a board is discontinued under subsection 2, the supervisory officer of the separate school shall forthwith notify the Minister, the separate school board concerned, the clerks of the municipalities concerned and the supervisory officers of the public school boards affected thereby.

Settling
accounts

(4) The trustees who are in office in the year in which the board is discontinued under this section shall remain in office for the purpose of settling the accounts and outstanding debts of the board and, following an audit by a person licensed by the Department of Municipal Affairs as a municipal auditor, shall forward the balance of its funds to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Records

(5) The records of a board that has been discontinued under this section shall be filed in the office of the supervisory officer of the separate school.

Revision of
boundaries

(6) The supervisory officer of the separate school shall revise the boundaries of the zones that are altered as a result of discontinuing a separate school board.

Sale of
real
property

(7) Where a board that has been discontinued fails to dispose of its real property in the year in which it was discontinued and the supervisory officer of the separate school is notified that an offer to purchase the real property has been made, the supervisory officer shall cause notices to be posted to call a meeting of the persons who were supporters in the year in which the board was discontinued to elect three persons who, when elected, are a board for the purpose of selling the property.

Deposit of
funds from
sale

(8) When the board has sold the real property, it shall, after paying any outstanding debts, forward the balance of the money received from the sale to the Minister for deposit in the Consolidated Revenue Fund for safekeeping.

Re-establishing a
board

(9) A separate school board that has been discontinued in any year may, in any subsequent year, be re-established in the school

section in which the separate school was established in the manner provided in sections 18 to 21 or section 22, and the funds that were deposited by the board that was discontinued shall be returned to the board. R.S.O. 1970, c. 430, s. 56.

57. When a supporter of a separate school in an urban municipality resides outside the municipality, he is entitled to vote in the ward or polling subdivision in which the separate school nearest to his residence is situate. R.S.O. 1970, c. 430, s. 57.

Where person residing out of urban municipality to vote

58.—(1) Where a person is entitled to be and is a supporter of a separate school situate in a municipality other than that in which he resides he is exempt from the payment of separate school taxes or rates in the municipality in which he resides, but is liable to pay and shall pay the school taxes or rates to the board of the school of which he is a supporter, and the same shall be based upon his assessment in the municipality in which he resides.

Liability of non-resident supporter

(2) The board of the school of which he is a supporter shall on or before the 1st day of August in each year notify the clerk of the municipality in which such supporter resides that he is a supporter of such school, and the amount of the school taxes or rates payable by him, and the same shall be entered upon the collector's roll of the municipality for that year and collected in like manner as other taxes, and when collected shall be paid over to the board. R.S.O. 1970, c. 430, s. 58.

How enforceable

59.—(1) A Roman Catholic who desires to withdraw his support from a separate school shall, on or before the 30th day of September in any year, give notice in writing that he desires to withdraw his support for the following year,

Notice of withdrawal of support

- (a) where the separate school is situated in a municipality, to the clerk of the municipality; or
- (b) where the separate school is situated in territory without municipal organization,
 - (i) if he resides in a school section, to the secretary of the public school board of the section and to the secretary of the separate school board, or
 - (ii) if he does not reside in a school section, to the secretary of the separate school board,

otherwise he shall be deemed to be a supporter of the separate school.

(2) A person who has withdrawn his support from a Roman Catholic separate school is not exempt from paying rates for the support of separate schools or separate school libraries, or for the erection of a separate schoolhouse, imposed before the time of his withdrawing such support. R.S.O. 1970, c. 430, s. 59.

Exception

Clerk to keep index book	60. —(1) The clerk of every municipality shall keep entered in an index book (Form 1) and in alphabetical order, the name of every person who has given to him, or to any former clerk of the municipality, notice in writing that such person is a Roman Catholic and a supporter of a separate school in or contiguous to the municipality, as provided by sections 53, 63 and 64, or by former Acts respecting separate schools.
Entries	(2) The clerk shall enter opposite the name, in a column for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from supporting a separate school, as provided by section 59, or by any such other Act, with the date of the withdrawal, or any disallowance of the notice by the Assessment Review Court, by a judge, by the Ontario Municipal Board or by the Court of Appeal, with the date of the disallowance.
Inspection	(3) The index book shall be open to inspection by any ratepayer.
Filings	(4) The clerk shall file and carefully preserve all such notices heretofore or hereafter received.
Assessor to be guided by index book	(5) The assessor shall be guided by the entries in the index book in ascertaining who have given the prescribed notices. R.S.O. 1970, c. 430, s. 60.
Correction of mistakes in assessing	61. —(1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertance a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct the error by directing the school taxes of the ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the Assessment Review Court, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.
Liability	(2) In case of such action by a council the ratepayer is liable for the same amount of school taxes as if he had in the first instance been properly entered on the roll. R.S.O. 1970, c. 430, s. 61.
Distinguish- ing the school rates	62. —(1) The clerk of every municipality, in making out the collector's roll, shall place columns therein so that under the heading of "School Rate" the public school rate may be distinguished from the separate school rate, and that under "Special Rate for School Debts" public school purposes may be distinguished from separate school purposes.
Idem	(2) The proceeds of any such rate shall be kept distinguished by the collector and accounted for accordingly. R.S.O. 1970, c. 430, s. 62.

63.—(1) Where land is assessed against both owner and occupant, or the owner and tenant, the occupant or tenant shall be deemed to be the person primarily liable for the payment of school rates and for determining whether those rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves alters or affects this provision.

Case of
owner and
occupant

(2) Where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay such school rate, he may direct the same to be applied to either public or separate school purposes, and if the public school rate and the separate school rate are not the same he is only liable to pay the amount of the rate of the schools to which he directs his money to be paid. R.S.O. 1970, c. 430, s. 63.

When owner
may exercise
option

64.—(1) A corporation by notice (Form 2) to the clerk of any municipality wherein a separate school exists may require the whole or any part of the land of which the corporation is either the owner and occupant, or not being the owner is the tenant, occupant or actual possessor, and the whole or any proportion of the business assessment or other assessments of the corporation made under *The Assessment Act*, to be entered, rated and assessed for the purposes of the separate school.

Right of
corporation
to support
separate
schools

R.S.O. 1970,
c. 32

(2) The assessor shall thereupon enter the corporation as a separate school supporter in the assessment roll in respect of the land and business or other assessments designated in the notice, and the proper entries shall be made in the prescribed column for separate school rates, and so much of the land and business or other assessments so designated shall be assessed accordingly for the purposes of the separate school and not for public school purposes, but all other land and the remainder, if any, of the business or other assessments of the corporation shall be separately entered and assessed for public school purposes.

Duty of
assessor

(3) Unless all the stock or shares are held by Roman Catholics the share or portion of such land and business or other assessments to be so rated and assessed shall not bear a greater proportion to the whole of such assessments than the amount of the stock or shares so held bears to the whole amount of the stock or shares.

How proportions
settled

(4) A notice given in pursuance of a resolution of the directors is sufficient and shall continue in force and be acted upon until it is withdrawn, varied or cancelled by a notice subsequently given pursuant to any resolution of the corporation or of its directors, except that, upon appeal, if it is ruled that the notice is not a proper notice, it is void, and the clerk shall so notify the corporation and mark the notice accordingly.

Effect of
notice

Filing
notice

(5) Every notice so given shall be kept by the clerk on file in his office and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect an assessment roll.

Search for
notices

(6) The assessor shall in each year, before the return of the assessment roll, search for and examine all notices that may be so on file and shall follow and conform thereto and to the provisions of this Act. R.S.O. 1970, c. 430, s. 64.

Estimates

65. Every separate school board in each year shall prepare and adopt estimates of all sums required during the year for separate school purposes and such estimates,

- (a) shall set forth estimated revenues and expenditures of the board including debt charges payable by the board;
 - (b) shall make due allowance for a surplus of any previous year that will be available during the current year;
 - (c) shall provide for any deficit of any previous year; and
 - (d) may provide for a reserve for working funds of a sum not in excess of 5 per cent of the expenditures of the board for the preceding year, but, where the sum accumulated in the reserve is equal to or more than 20 per cent of such expenditures, no further sum shall be provided.
- R.S.O. 1970, c. 430, c. 65.

Powers of
trustees

66.—(1) The board of a separate school may impose and levy school rates and collect school rates and subscriptions upon and from persons sending children to or subscribing towards the support of such schools, and may appoint collectors for collecting the school rates or subscriptions who shall have all the powers in respect thereof possessed by collectors of taxes in municipalities.

Land on
which there
are rates
uncollected

(2) If a collector appointed by the board is unable to collect any part of a school rate charged on land liable to assessment, by reason of there being no person resident thereon or no goods and chattels to distrain, the board shall make a return to the clerk of the municipality before the end of the then current year of such land and the uncollected rates thereon.

Return

(3) The clerk shall make a return to the county, city, town or village treasurer of such land and the arrears of separate school rates thereon.

Collection
of rates

(4) The arrears shall be collected and accounted for by the treasurer in the same manner as the arrears of other taxes.

Deficiency

(5) The council of the township, village, town or city in which the separate school is situate shall make up the deficiency arising from such uncollected rates out of the general funds of the municipality. R.S.O. 1970, c. 430, s. 66.

67. Where some of the supporters of a separate school reside in a municipality or in territory without municipal organization and in a secondary school district and other supporters of the separate school reside in another municipality or in territory without municipal organization and not in a secondary school district, and the separate school board,

Levy for costs for transportation and board and lodging of secondary school pupils not resident in secondary school district

(a) provides daily transportation; or

(b) reimburses the parents or guardians for the cost of board, lodging, and transportation once a week under subsection 8 of section 42 of *The Schools Administration Act*,

R.S.O. 1970, c. 424

for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the secondary school district, such separate school board may levy the cost of such transportation or reimbursement for the preceding year, less the legislative grants paid thereon, on the supporters who do not reside in the secondary school district. R.S.O. 1970, c. 430, s. 67.

68.—(1) Where a separate school zone includes territory in two or more municipalities, the board shall, when it is setting the rates to be levied in any year, use an equalizing factor for each municipality in the zone which, when applied to the local assessment of properties in a municipality, would increase or decrease the local assessment on such properties to a sum equal to the local assessment on similar properties in the municipality in which the greatest number of its pupils reside.

Determining school rates by equalizing factor

(2) The board shall adopt a tax rate to be levied in the municipality in which the greatest number of its pupils reside and multiply that rate by the factor determined for each municipality in the zone, and the resulting rates calculated to the nearest tenth of a mill shall be the rates in the respective municipalities for separate school purposes in the zone.

Adoption of rate

(3) For the purpose of determining the factors, the board shall appoint three arbitrators who are not trustees who shall meet and determine the factors.

Arbitrators, appointment

(4) The secretary of the board shall call the meeting of the arbitrators.

Meeting

(5) The arbitrators shall base their decision on a comparison of the local assessment on sample properties that are assessed to the support of the separate schools in the municipality in which the greatest number of its pupils reside with the local assessment on similar properties in the other municipalities in which any part of the separate school zone is situated, and the factors so determined shall be used by the board when it sets its rates at any time following the decision of the arbitrators and until the factors are altered by arbitration.

Determination of factors

- When factors to be determined (6) The factors shall be determined,
 (a) in the year in which the separate school is formed;
 (b) in any year that is divisible evenly by 5;
 (c) in any year in which the basis of assessing has been changed in any of the municipalities in which part of the separate school zone is situate; and
 (d) in any year if the board so directs.
- Appeal to board (7) Five supporters of the separate school in the separate school zone or the majority of the supporters who reside in one municipality in the zone may, on or before the 1st day of November in any year, appeal to the board against the last determination of the factors, and the decision of the board is final.
- Use of factors (8) The factors determined in any year shall be used for the purposes of taxation in the following and subsequent years until the year following the next determination of the factors.
- Cost of arbitration (9) The cost of the arbitration shall be paid by the separate school board. R.S.O. 1970, c. 430, s. 68.
- Trustees may copy assessment roll of municipality **69.** The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the municipality, shall permit any trustee or the collector of the board to make a copy of the roll in so far as it relates to the persons supporting the separate school. R.S.O. 1970, c. 430, s. 69.
- Clerk to give trustees annual statement of supporters of separate schools **70.** The clerk of a municipality in which there is a separate school shall, once in each year, upon the written request of the board, deliver to it a statement in writing showing the names of all persons appearing upon the assessment roll for the current year who have given the notice required by section 53, with the amount for which each person has been rated upon the assessment roll. R.S.O. 1970, c. 430, s. 70.
- Collection of separate school rates by the municipality **71.—**(1) A municipal council, if so requested by the board on or before the 1st day of February in any year, shall, through its collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools. R.S.O. 1970, c. 430, s. 71 (1).
- Request for collection of rates (1a) The request referred to in subsection 1 shall continue in force and be acted upon until it is withdrawn or cancelled by a notice subsequently given by the board on or before the 1st day of February in any year. 1971, c. 70, s. 3.
- Expenses of collection (2) Any expenses attending the assessment, collection or payment of school rates by the municipal corporation shall be borne by the corporation, and the rates and taxes collected for separate

school purposes shall be paid by the corporation to the treasurer of the board from time to time as may be required by the board and in any event not later than the 15th day of December in the year in which the rates are levied. R.S.O. 1970, c. 430, s. 71 (2).

72. Notwithstanding anything contained in any by-law or resolution heretofore or hereafter passed by any board of separate school trustees or in any debenture issued thereunder, the board may at any time by by-law provide that all moneys theretofore or thereafter collected on account of sinking fund for payment of any such debenture shall,

Sinking
funds for
separate
school
debentures

- (a) be paid over to the Treasurer of Ontario to be dealt with as provided in section 315 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960; or
- (b) be invested in securities of the Province of Ontario and for that purpose the board may sell or dispose of any securities in which such sinking fund moneys have heretofore been invested or withdraw such moneys from any loan company, trust company or bank in which they may be deposited. R.S.O. 1970, c. 430, s. 72.

73.—(1) The board of a separate school may pass by-laws for borrowing money, by mortgages or other instruments, upon the security of the schoolhouse property and premises and any other real or personal property vested in the board and upon the separate school rates for the purpose of paying the cost of school sites, school buildings or additions or repairs thereto or for any other school purposes, and any ratepayer, who was a separate school supporter in the separate school zone at the time when the loan was effected on the security of the property or rates or who became a supporter during the term of the loan, shall, while resident within the separate school zone, continue to be liable for the rate to be levied for the repayment of the money so secured.

Borrowing
powers of
separate
school
trustees

(2) The principal money may be made payable in annual or other instalments, with or without interest, and the board, in addition to all other rates or money that it may levy in any one year, may levy and collect in each year such further sum as may be requisite for paying all principal money and interest falling due in that year, and the same shall be levied and collected in each year in the same manner and from the like persons and property by, from, upon or out of which other separate school rates may be levied and collected.

Terms of
payment

(3) Such mortgages and other instruments may in the discretion of the board be made in the form of debentures, and the debentures are a charge on the same property and the rates as in the case of mortgages thereof made by the board.

Debentures

(4) The debt to be so incurred and the debentures to be issued therefor may be made payable in thirty years at the furthest, and

Maturity

R.S.O. 1970, c. 284 in equal annual instalments of principal and interest, or in any other manner authorized by *The Municipal Act* in the case of debentures issued under that Act.

Sinking fund

(5) Where the debt is not payable by instalments, the board shall levy in each year during its currency in addition to the amount required to pay the interest falling due in such year a sum such that the aggregate amount so levied during the currency of the debt, with the estimated interest on the investments thereof, will be sufficient to discharge the debt when it becomes payable, which shall be invested in the manner provided by *The Municipal Act* as to the investment of sinking funds.

Publication of notice of by-law

(6) Before a by-law for borrowing money for a permanent improvement is acted upon, notice of the passing of the by-law shall be published for three consecutive weeks in a newspaper having general circulation within the separate school zone stating,

- (a) the purpose for which the money is to be borrowed;
- (b) the amount to be borrowed and the security therefor;
- (c) the terms of repayment including the rate of interest,

and, if no application to quash the by-law is made for three months after publication of notice of the passing thereof, the by-law is valid notwithstanding any want of substance or form in the by-law or in the time or manner of passing the by-law.

Amounts

(7) The debentures issued under the by-law may be for such amounts as the board considers expedient. R.S.O. 1970, c. 430, s. 73.

Right of separate schools to a share of municipal grant

74.—(1) Every separate school is entitled to share in all grants, investments and allotments for public school purposes made by any municipal authority according to the average number of pupils attending the school during the next preceding twelve months, or during the number of months that may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township.

Apportionment

(2) Where the grant is made by a county council it shall be apportioned in like manner as the legislative grant.

No share of local assessment for public schools

(3) A separate school is not entitled to share in any school money arising or accruing from local assessment for public school purposes within the city, town, village or township in which the school is situate. R.S.O. 1970, c. 430, s. 74.

MISCELLANEOUS

Visitors of separate schools

75. The Minister, the judges of all courts, members of the Assembly, heads of the municipal corporations in their respective

localities, the supervisory officers of public schools and clergymen of the Roman Catholic Church are visitors of separate schools. R.S.O. 1970, c. 430, s. 75.

76. The schools with their registers are subject to such inspection as may be directed by the Minister and are subject also to the regulations. R.S.O. 1970, c. 430, s. 76. Inspection of schools

77. The Minister may, subject to the regulations, constitute a separate school in any county or district a model school for the training of teachers for separate schools. R.S.O. 1970, c. 430, s. 77. Model schools

78. In the event of a disagreement between a board and the supervisory officer of public schools or any municipal authority or of a complaint against the election of a rural school trustee or against the establishment of a school in close proximity to an existing school, or any other proceeding of a rural school meeting, signed by five supporters of the school concerned or of such existing school, the matter in difference shall be determined by the Minister, subject to an appeal to the Lieutenant Governor in Council, whose decision is final. R.S.O. 1970, c. 430, s. 78. Disagreement between trustees, supervisory officers, etc.

79. Except as otherwise provided, the fines imposed by or under the authority of this Act are recoverable under *The Summary Convictions Act* and shall be applied to such separate school purposes as the Minister may direct. R.S.O. 1970, c. 430, s. 79. Recovery and application of fines
R.S.O. 1970, c. 450

PART III

COUNTY AND DISTRICT COMBINED ROMAN CATHOLIC SEPARATE SCHOOL BOARDS

80.—(1) In this Part,

- (a) “city” includes a separated town;
- (b) “county” includes a provisional county, and a united county;
- (c) “county combined separate school board” means a separate school board established for a county combined separate school zone under this Part;
- (d) “county combined separate school zone” means a union of the separate school zones whose centres are within an area that is designated by the regulations made under this Part and that includes separate school zones in that part of Ontario with county organization;
- (e) “county municipality” means a municipality that forms part of a county for municipal purposes and includes a

Interpretation

municipality, other than a city, that forms part of a regional municipality;

- (f) "district combined separate school board" means a separate school board established for a district combined separate school zone under this Part;
- (g) "district combined separate school zone" means a union of the separate school zones whose centres are within an area designated by the regulations made under this Part that is in the territorial districts;
- (h) "district municipality" means a municipality, except a city, in a territorial district, and includes an area municipality as defined in *The District Municipality of Muskoka Act*;
- (i) "population" means the population as determined under *The Municipal Unconditional Grants Act*;
- (j) "separate school supporter" in a combined separate school zone means,
 - (i) in a municipality, a person whose name is entered on the last revised voters' list as qualified to vote at the municipal elections of the municipality and appears thereon as a supporter of a separate school, and
 - (ii) in territory without municipal organization, a person who is of the full age of twenty-one years, a British subject and a Roman Catholic and whose name is entered on the last revised assessment roll for such territory as a supporter of a separate school.

R.S.O. 1970,
c. 131

R.S.O. 1970,
c. 293

Part of
Ottawa-
Carleton
deemed
county
R.S.O. 1970,
c. 407

Territory
without
municipal
organization
in zones
deemed
district
municipalities

Essex and
York
counties

R.S.O. 1970,
c. 295

Application
of ss. 87-89
to Windsor

(2) For the purposes of this Part, the area municipalities as defined in *The Regional Municipality of Ottawa-Carleton Act*, except the cities of Ottawa and Vanier and the Village of Rockcliffe Park, shall be deemed to be a county.

(3) For the purposes of this Part, every separate school zone that comprises only territory without municipal organization and whose centre is in an area designated by the regulations made under this Part and any part of territory without municipal organization that is part of a combined separate school zone whose centres are in an area designated by the regulations made under this Part shall be deemed to be a district municipality.

(4) For the purposes of this Part, the County of Essex does not include the City of Windsor, and the County of York does not include the area municipalities as defined in *The Municipality of Metropolitan Toronto Act*.

(5) Sections 87, 88 and 89 apply *mutatis mutandis* to the City of Windsor and The Board of Trustees of the Roman Catholic Separate Schools for the City of Windsor.

(6) The board of a district combined separate school zone that includes territory without municipal organization that is deemed a district municipality for the purposes of this Part shall exercise the powers and duties of a municipal council for such district municipality in respect of preparing estimates, levying rates, collecting taxes and issuing debentures for the purposes of the district combined separate school board and in respect of the election of members of such board, and all the officers appointed by such board have the same powers and duties as similar officers in an organized municipality except that the provisions of subsections 7 to 11 of section 22 apply.

Powers and duties of combined board re territory without municipal organization

(7) The trustees of an improvement district that forms part of a district combined separate school zone, in each year in which an election for members of the district combined separate school board is to be held, shall provide for such election in the improvement district in the same manner as for the election of trustees in a municipality, and the secretary-treasurer of the improvement district shall be the clerk and returning officer and has all the powers and shall perform all the duties of the clerk and returning officer of a municipality in relation to the preparation of a voters' list and the election of members of a district combined separate school board under *The Municipal Act* and *The Voters' Lists Act*, which apply *mutatis mutandis*. R.S.O. 1970, c. 430, s. 80.

Election in improvement district

R.S.O. 1970, cc. 284, 485

81.—(1) On and after the 1st day of January, 1969, the separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area designated by the regulations made under subsection 2 are united to form a county or district combined separate school zone, as the case may be.

County and district combined separate school zones

(2) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) designating areas in Ontario in which the separate school zones whose centres are within the areas are to be united to form county or district combined separate school zones and designating the names of the areas;
- (b) altering the boundaries of any such area;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Part.

(3) Where the centre of a separate school zone established under section 21 on or after the 1st day of January, 1969, is within an area designated by the regulations made under subsection 2, the separate school zone shall forthwith become a part of the county or district combined separate school zone in that area. R.S.O. 1970, c. 430, s. 81.

Separate school zones established after Jan. 1, 1969

Ottawa
separate
school zone

82.—(1) On and after the 1st day of January, 1970, the cities of Vanier and Ottawa and the Village of Rockcliffe Park are united to form a county combined separate school zone under this Part.

Ottawa
Board

(2) A separate school board shall be established for such combined separate school zone which shall be a corporation by the name of "The Ottawa Roman Catholic Separate School Board" and shall consist of sixteen trustees.

Number of
trustees
to be
elected in
Ottawa and
Rockcliffe
Park

(3) The number of trustees to be elected by the separate school supporters in the area comprising the City of Ottawa and the Village of Rockcliffe Park shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying sixteen by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the City of Ottawa and the Village of Rockcliffe Park to the equalized residential and farm assessment of all the property rateable for separate school purposes in the combined separate school zone, and such trustees shall be elected by general vote.

Vanier

(4) The number of trustees to be elected by the separate school supporters in the City of Vanier shall be sixteen, less the number determined under subsection 3, and such trustees shall be elected by general vote.

Election of
trustees,
term of
office

(5) Commencing in the year 1969, the trustees of The Ottawa Roman Catholic Separate School Board shall be elected at the same time and place and for the same term of office as the members of The Ottawa Board of Education, and the meeting for the nomination of candidates for the offices of trustees to be elected by the separate school supporters in the City of Ottawa and the Village of Rockcliffe Park shall be held by the returning officer of the City of Ottawa, and the clerk of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote.

Application
of Part

(6) Except where inconsistent with this section, the other provisions of this Part in respect of county combined separate school boards apply *mutatis mutandis* to the board established under subsection 2, except that the references to the years 1968, 1969 and 1970, wherever they occur, shall be deemed to refer to the years 1969, 1970 and 1971 respectively. R.S.O. 1970, c. 430, s. 82.

Carleton
combined
separate
school zone

83.—(1) On and after the 1st day of January, 1969, the separate school zones and the former separate school zones that form all or part of a combined separate school zone whose centres are within an area municipality as defined in *The Regional Municipality of Ottawa-Carleton Act*, except the cities of Vanier

and Ottawa and the Village of Rockcliffe Park, are united to form a county combined separate school zone.

(2) A separate school board shall be established for such county combined separate school zone which shall be a corporation by the name of "The Carleton Roman Catholic Separate School Board".

Carleton Board

(3) The trustees of The Carleton Roman Catholic Separate School Board shall be elected at the same time and for the same term of office as the members of The Carleton Board of Education.

Election of trustees, term of office

(4) Except as provided in this section, all the provisions of this Act respecting county combined separate school boards apply to The Carleton Roman Catholic Separate School Board. R.S.O. 1970, c. 430, s. 83.

Application of Act to Carleton Board

84. A separate school board shall be established for each county and district combined separate school zone, and the trustees of the board shall be elected and the board organized in accordance with this Part. R.S.O. 1970, c. 430, s. 84.

Establishment of boards

85.—(1) A county combined separate school board that has jurisdiction in an area that includes only one county is a corporation by the name of "The County Roman Catholic Separate School Board" (*inserting the name of the county*).

Name of board in one county

(2) A combined separate school board that has jurisdiction in an area that includes two or more counties is a corporation by the name of "The County Roman Catholic Separate School Board" (*inserting the names of the counties or a name selected by the board and approved by the Minister*).

Name of board in two or more counties

(3) A district combined separate school board that has jurisdiction in the territorial districts is a corporation by the name of "The Roman Catholic Separate School Board" (*inserting the name of the area designated by the regulations*).

Name of board in territorial districts

(4) Notwithstanding subsection 2 and 3 and except as provided in sections 82 and 83, a combined separate school board that has jurisdiction in all or part of a regional municipality is a corporation by the name of "The Roman Catholic Separate School Board" (*inserting a name selected by the board and approved by the Minister*). R.S.O. 1970, c. 430, s. 85.

Name of board in regional municipality

86.—(1) Upon the establishment of a county or district combined separate school zone,

Assets, liabilities, etc.

- (a) all separate school boards that have jurisdiction in separate school zones united to form the county or district combined separate school zone are dissolved;
- (b) subject to subsection 3, all property vested in such boards and situate in the county or district combined separate school zone becomes vested in the county or district combined separate school board;
- (c) all debts, contracts, agreements and liabilities for which such boards were liable, except employment contracts with teachers, become obligations of the county or district combined separate school board as determined by the arbitrators under subsections 2 and 3;
- (d) the reserve for working funds, the balance in a reserve or a reserve fund accumulated from transfers from revenue funds and the audited surplus or deficit as at the 31st day of December, 1968, of each such board shall accrue to the credit of, or become the responsibility of, the assessment supporting such board on the 31st day of December, 1968, and shall be apportioned by the arbitrators under this section among the municipalities or parts thereof comprising the area of jurisdiction of such board in the same proportion as the requisition for the year 1968 was apportioned among such municipalities or parts;
- (e) the employment contract of every teacher who, immediately before the 1st day of January, 1969, was required to teach only in one or more schools included in the county or district combined separate school zone becomes an obligation of the county or district combined separate school board; and
- (f) the employment contract of every teacher, who immediately before the 1st day of January, 1969, was required to teach in one or more schools in the county or district combined separate school zone and in one or more schools in one or more other county or district combined separate school zones becomes an obligation of such combined separate school board as is provided by the arbitrators under subsection 3.

Arbitration

(2) Each county or district combined separate school board shall, on or before the 15th day of March, 1969, appoint three arbitrators who are not trustees of the board or members of a municipal council that has jurisdiction within the county or district combined separate school zone, who shall value and adjust in an equitable manner the assets and liabilities, as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, of the boards that, before they were dissolved under subsection 1, had jurisdiction wholly in

the area in which the county or district combined separate school board has jurisdiction.

(3) Where a board that is dissolved under subsection 1 had Idem jurisdiction in an area that, after the 1st day of January, 1969, forms part of two or more county or district combined separate school zones, each such county or district combined separate school board shall, on or before the 15th day of March, 1969, designate two of the arbitrators appointed under subsection 2 who shall collectively value and adjust in an equitable manner the assets and liabilities of such boards as of the 31st day of December, 1968, except lands and premises used as schools on such 31st day of December, and shall apportion in an equitable manner the obligations under clauses *c* and *f* of subsection 1.

(4) The arbitrators under subsection 3 shall appoint an additional arbitrator, and if the arbitrators fail to make such appointment before the 1st day of April, 1969, the Minister may make such appointment. Appointment of additional arbitrator

(5) Where a majority of the arbitrators is unable to reach a decision on any matter, such matter shall be referred by the county or district combined separate school board or boards to the county or district judge whose decision is final. Referral to judge

(6) The decision of a majority of the arbitrators under subsection 2 or 3 shall be made on or before the 31st day of July, 1970, except a decision in respect of a teacher's contract under clause *f* of subsection 1 which shall be made on or before the 1st day of May, 1969, and, subject to subsection 8, every such decision is final. Decision of arbitrators

(7) A decision under subsection 2 or 3 or an amended decision under subsection 8 shall not be implemented before the 1st day of January, 1971, but the provisions of this subsection shall not operate so as to prevent the implementation before the 15th day of June, 1970, of, Implementation of decision

- (a) a decision in respect of a teacher's contract under clause *f* of subsection 1; or
- (b) a decision, other than a decision referred to in clause *a*, that has been implemented in whole or in part before such date.

(8) Where, subsequent to the decision of the arbitrators referred to in subsection 6, a matter or condition that was not evident at the time the decision was made is brought to the attention of the county or district combined separate school board before the 30th day of September, 1970, the county or district combined separate school board, where no part of the decision, other than a decision in respect of a teacher's contract under clause *f* of subsection 1, has been implemented before the Amended decision

15th day of June, 1970, shall, before the 15th day of October, 1970, refer the matter or condition to the arbitrators who shall, prior to the 15th day of November, 1970, make a decision in relation to such matter or condition in accordance with this section, and may amend their former decision accordingly, and the provisions of subsection 5 apply *mutatis mutandis*.

Vacancy in
arbitrators

(9) For the purposes of subsection 8, where an arbitrator appointed under subsection 2, 3 or 4 is unable for any reason to act, a person qualified in accordance with subsection 2 shall be appointed to fill the vacancy by the board, or by the arbitrators, that appointed the arbitrator who is unable to act.

Sick leave
credits

(10) Where an employee of a board that, before the 1st day of June, 1968, has established a sick leave credit plan becomes, on the 1st day of January, 1969, an employee of a county or district combined separate school board, the board shall place to the credit of the employee the sick leave credits and the termination of employment benefits standing to his credit in the plan of the first-mentioned board.

Committee
during
transitional
period

(11) Notwithstanding the dissolution of a board under subsection 1, a county or district combined separate school board shall, by resolution, constitute any or all trustees of such former board that immediately prior to the 1st day of January, 1969, operated a school or schools in the county or district combined separate school zone and who are not trustees of a county or district combined separate school board, as a committee of such board in respect of their former jurisdiction, and shall delegate such of its powers and duties in respect of any matter or purpose other than policy, organization and planning, for such period of time as the county or district combined separate school board may determine and may terminate such delegation at any time but not later than the 30th day of June, 1969, and may pay to such a trustee a monthly honorarium equivalent to that to which he was entitled as a trustee of the former board in the month of December, 1968.

Fees for
arbitrators
R.S.O. 1970,
c. 424

(12) Notwithstanding subsection 4 of section 102 of *The Schools Administration Act*, each arbitrator appointed under this section shall be paid such fee for his services as is determined by the board that appointed him. R.S.O. 1970, c. 430, s. 86.

Tax notices

87.—(1) Where taxes are collected by a municipal council under section 71 for the purposes of a combined separate school board under this Part, the notice of taxes given by the collector under section 542 of *The Municipal Act* shall be given separately in relation to taxes imposed for school purposes or in such manner as will clearly indicate the taxes imposed for school purposes.

R.S.O. 1970,
c. 284

Payment of
rates to
boards

(2) Where the council of a municipality all or part of which is in a county or district combined separate school zone, levies and

collects the rates and taxes imposed by the county or district combined separate school board, the council shall, subject to subsections 3 and 5, pay to such board the sums required to be raised by the municipality in the following instalments:

1. 25 per cent of such amounts on the 31st day of March;
2. 25 per cent of such amounts on the 30th day of June;
3. 25 per cent of such amounts on the 30th day of September;
4. 25 per cent of such amounts on the 15th day of December,

and in case of non-payment of such instalment or any portion thereof on such dates, the municipality so in default shall pay to the board interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default and where, with the consent of the board, such instalments or any portion thereof are paid in advance of such dates, the board shall allow to the municipality a discount thereon from the date of payment to the date upon which the payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

(3) Where a county or district combined separate school board has requested the municipalities that are in whole or in part within the county or district combined separate school zone to levy and collect the rates or taxes imposed by the board, the board may, by agreement with a majority of the municipalities in which it has jurisdiction, where such municipalities represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 68, provide for any number of instalments and amounts and due dates thereof other than those provided in subsection 2, which shall be applicable to every municipality all or part of which is within the combined zone, and otherwise subsection 2 applies *mutatis mutandis*. Agreements

(4) Where an agreement under subsection 3 does not provide for its termination, it shall continue in force from year to year until it is terminated on the 31st day of December in any year by notice given before the 31st day of October in such year, Termination of agreement

- (a) by the secretary of the county or district combined separate school board as authorized by a resolution of the board; or
- (b) by the clerks of the majority of the municipalities which represent at least two-thirds of the assessment of the property in the combined zone rateable for separate school purposes as equalized in accordance with subsection 1 of section 68,

and where no agreement is in effect under subsection 3, the payments shall be made as provided in subsection 2.

Where instalment due before rates to be levied submitted to council

(5) Where in any year a municipality is required to levy and collect the rates or taxes imposed by a county or district combined separate school board, and, for any reason, the rates to be levied have not been submitted to the council of the municipality before the date upon which an instalment is due, the amount of the instalment shall be based upon the rates submitted in the previous year and paid on the due date, and in the case of late payment or prepayment of all or part of such instalment, the interest or discount under subsection 2 shall apply thereto, and the necessary adjustment shall be made in the instalment due next following the date upon which the rates are received. R.S.O. 1970, c. 430, s. 87.

Appointment and dismissal of auditor

88.—(1) Every separate school board under this Part shall appoint an auditor who shall be a person licensed by the Department of Municipal Affairs as a municipal auditor and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the trustees of the board.

Disqualification of auditor

(2) No person shall be appointed as an auditor of a separate school board under this Part who is, or during the preceding year was, a trustee of the board or who has, or during the preceding year had, any direct or indirect interest in any contract or any employment with the board other than for services within his professional capacity, and every auditor, upon appointment, shall make and subscribe a declaration to that effect.

Duties of auditor

(3) An auditor of a separate school board under this Part shall perform such duties as are prescribed by the Department and by the Department of Municipal Affairs and also such duties as may be required by the board that do not conflict with the duties prescribed by the Department and by the Department of Municipal Affairs.

Rights of auditor

(4) An auditor of a separate school board under this Part has right of access at all reasonable hours to all books, records, documents, accounts and vouchers of the board and is entitled to require from the trustees and officers of the board such information and explanation as in his opinion may be necessary to enable him to carry out his duties.

Auditor may take evidence

R.S.O. 1970, c. 379

(5) An auditor of a separate school board under this Part may require any person to give evidence on oath touching any of such matters, and for such purpose has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Auditor may attend meetings

(6) An auditor of a separate school board under this Part is entitled to attend any meeting of the board or of a committee thereof and to receive all notices relating to any such meeting that

any trustee is entitled to receive and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. R.S.O. 1970, c. 430, s. 88.

89.—(1) The treasurer of every separate school board, under this Part in every year shall, within one month after receiving the auditor's report on the financial statements of the board, cause to be published or to be mailed or delivered to each supporter a copy of the balance sheet or sheets and the corresponding statements of surplus as of the 31st day of December of the preceding year and a statement of revenue and expenditure for the preceding year, or a summary thereof, in such form as the Department may prescribe, together with a copy of the report of the auditor. Publication of financial statements

(2) Where in any year a tax notice is mailed to each supporter before the 30th day of June, the treasurer may, in lieu of publishing, mailing or delivering a copy or summary and the report under subsection 1, cause to be included with such notice the copy or summary and the report. R.S.O. 1970, c. 430, s. 89. Idem

90.—(1) In this section,

- (a) "equalized residential and farm assessment" means the residential and farm assessment as adjusted by the application of the equalization factor based on the assessment referred to in clause *b*, provided by the Department of Municipal Affairs;
- (b) "residential and farm assessment" means the residential and farm assessment upon which taxes are levied in the year in which a determination is made or the year in which nominations are held, as the case may be.

Interpretation

(2) Subject to subsection 4, the number of trustees of a county combined separate school board shall be determined by the population of the county or counties in the county combined separate school zone, and the number of trustees of a district combined separate school board shall be determined by the population of the municipalities all or part of which are included in the district combined separate school zone, as the case may be, as follows, where the population is, Composition of board

- (a) less than 25,000, eight trustees;
- (b) 25,000 or more but less than 45,000, ten trustees;
- (c) 45,000 or more but less than 100,000, twelve trustees;
- (d) 100,000 or more but less than 200,000, fourteen trustees;
- (e) 200,000 or more, sixteen trustees.

(3) Where it becomes evident from the population of the county or counties in a county combined separate school zone or of the municipalities all or part of which are in a district combined Change in numbers of trustees

separate school zone that the number of trustees of the board should be increased or decreased in accordance with subsection 2, at the next election of trustees the proper number of trustees shall be elected.

Number of trustees to be elected in a combined zone comprising one or more cities and county or district municipalities

(4) Where a combined separate school zone includes county or district municipalities or parts thereof and one or more cities, the number of trustees to be elected by the separate school supporters,

- (a) of each city shall be equal to the product, correct to the nearest integer, the fraction one-half being raised to the next higher integer, obtained by multiplying the number of trustees determined under subsection 2 by the ratio of the equalized residential and farm assessment of the property rateable for separate school purposes in the city to the equalized residential and farm assessment of all the property rateable for separate school purposes in the county or district combined separate school zone; and
- (b) of the county or district municipalities or the parts thereof shall be the number of trustees determined under subsection 2 less the total number of trustees determined under clause *a* for the city or cities, but in no case shall the number of trustees to be elected under this clause be fewer than one.

Determination under subs. 4, who to make

(5) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, or where there is no organized district municipality in the district combined separate school zone, the clerk of the city, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone, shall make the determination required under subsection 4, and shall, before the 1st day of September in the year of the determination, send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board, a copy of the determination.

When determination to be made

(6) Before the 1st day of September in the year in which an election is to be held, a determination shall be made under subsection 4,

- (a) if it is determined under subsection 3 that the number of members of the county or district combined separate school board should be increased or decreased or if the boundaries of the county or district combined separate school zone have been altered, or are to be altered under subsection 2 of section 81, effective the 1st day of January next following the election;

- (b) if,
 - (i) the boundaries of one or more cities within the county or district combined separate school zone have been altered or a new city has been erected in the county or district combined separate school zone subsequent to the latest determination made under subsection 4 that did not take into account the altered boundaries or the new city, or
 - (ii) the boundaries of one or more cities within the county or district combined separate school zone are to be altered or a new city is to be erected affective the 1st day of January of the year next following the election; and
- (c) in every fourth year following the latest determination under subsection 4,

and, subject to subsection 15, a determination made under subsection 4 is effective until a new determination is required in accordance with this subsection.

(7) Where a city is not entitled to one or more trustees under clause *a* of subsection 4, the city shall be deemed to be a county or district municipality for the purposes of subsection 4 or 8, and the clerk of the city shall be deemed to be a clerk of a county or district municipality for the purposes of subsection 8.

Where a city does not qualify for at least one trustee

(8) With respect to the county municipalities in a county combined separate school zone and the district municipalities in a district combined separate school zone, the clerks of the three county municipalities or the clerks of the three organized district municipalities, as the case may be, having successively the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, and where there are fewer than three organized district municipalities in the district combined separate school zone, the clerks of all such municipalities, shall determine, before the 1st day of September in each year in which,

Distribution of trustees to be elected in county or district municipalities in combined zone

- (a) a determination is made in accordance with subsection 6; or
- (b) an election is to be held and the boundaries of one or more county or district municipalities have been altered subsequent to the latest determination under this subsection, or are to be altered effective on or before the 1st day of January next following the election,

the county or district municipality or municipalities to be represented by each trustee to be elected in the county or district municipalities in the combined separate school zone, but in no case where two or more trustees are to be elected in the county or district municipalities shall the determination provide for a

trustee to be elected by a general vote of all the separate school supporters of the county or district municipalities, and such determination is effective until a new determination is required under this subsection.

Where judge
to make
deter-
mination

(9) Where the determination under subsection 8 is not made before the 1st day of September, the clerk of the county municipality or of the district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in the combined separate school zone, shall refer the matter to the judge, who shall make the determination before the 1st day of October in accordance with subsection 11, and his decision is final.

Municipal
clerk from
each county
to be on
committee
under
subs. 8

(10) Where the separate school zones in two or more counties are combined to form a county combined separate school zone, and where the three clerks designated under subsection 8 do not include a clerk from each county in the county combined separate school zone, the clerk of the municipality having the greatest equalized residential and farm assessment for separate school purposes in each such county not so represented shall act together with the clerks designated under subsection 8.

Determina-
tion

(11) In determining under subsection 8,

- (a) the number of trustees to be elected by the separate school supporters of a county or district municipality; or
- (b) the county or district municipalities that are to be combined for the election of one or more trustees by the separate school supporters of such municipalities,

the clerks of the county or district municipalities, as the case may be, shall apportion the number of trustees determined for a combined separate school zone under clause *b* of subsection 4, as nearly as is practicable, in the proportion that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or combined municipalities bears to the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone in the county or district municipalities in such zone, and shall, in so far as it is practicable to do so, combine municipalities that are adjoining.

Appeal
from deter-
mination

(12) Where the determination made by the clerks of the county or district municipalities under subsection 8 allots to a municipality or to a combination of municipalities a percentage of the total number of trustees to be elected by the separate school supporters of all the county or district municipalities in the combined separate school zone that differs by more than five percentage points from the percentage that the equalized residential and farm assessment of the property rateable for separate school purposes in the part of such zone in the municipality or

combination of municipalities is of the total equalized residential and farm assessment of the property rateable for separate school purposes in the whole of such zone, the council of the municipality or the council of any municipality in such combination of municipalities, as the case may be, may, within fifteen days after notice of the determination has been mailed, appeal the determination to the county or district judge who, before the 1st day of October, shall either reapportion the number of trustees in accordance with subsection 11 or, where he determines that the determination was made in accordance with subsection 11, confirm the determination, and his decision is final.

(13) On the request of the clerk of the county municipality or the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a combined separate school zone, the clerk of each city and of each county or district municipality and the secretary of the county or district combined separate school board shall provide the clerk of such county municipality or organized district municipality with the information required to make any determination under this section, and in the year 1968 the secretary of each separate school board shall provide such information.

Request by
clerk for
information

(14) The clerk of the county municipality or the clerk of the organized district municipality, as the case may be, having the greatest equalized residential and farm assessment for separate school purposes in a county or district combined separate school zone shall send by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board,

Mailing of
determina-
tion under
subss. 8, 12

- (a) before the 1st day of September, 1968, and before the 1st day of September in each year in which it is determined under subsection 3 that the number of trustees of the board should be increased or decreased or in which a determination is made under subsection 8, a copy of the determination made under subsection 8; and
- (b) before the 1st day of October in each year in which a determination is made by the judge under subsection 9 or 12, a copy of the determination.

(15) The council of any municipality concerned and a district combined separate school board on behalf of any territory without municipal organization may, within ten days of the mailing of the determination made under subsection 4, appeal to the judge with respect to the accuracy of the determination, and the judge shall either vary or confirm the determination, and his decision is final, and the clerk of the county or district municipality responsible under subsection 5 for making such determination

Appeal and
decision
of judge

shall make the changes required by the judge and shall send a copy of the decision by registered mail to the clerk of each city and of each county or district municipality in the combined separate school zone and to the secretary of the county or district combined separate school board.

New determination where former determination improper

(16) Where the council of a municipality, or a county or district combined separate school board on behalf of any territory without municipal organization that is deemed a district municipality, after the period for an appeal under this section, and notwithstanding a decision made in respect of such appeal, is of the opinion that the composition of the board of a combined separate school zone was not determined in accordance with the provisions of this section, the council or the board may, before the 1st day of May in the year of the next following election, apply to the judge to have the determination set aside and, where the judge finds that the determination was not made in accordance with the provisions of this section, he shall order a new determination to be made, and the determination so made, subject to an appeal under subsection 12 or subsection 15, shall apply to the election next following such determination, and the board in respect of which the application to the judge is made shall be deemed to have been properly constituted notwithstanding any defect in its composition.

Where election by general vote and where by areas

(17) The number of trustees of a county or district combined separate school board to be elected in a municipality shall be elected by a general vote of the separate school supporters of such board in the municipality, provided that, where it is determined under this section that the number of trustees to be elected to the board by the separate school supporters in the municipality is two or more, the council of the municipality may, by by-law, divide the municipality into two or more areas and provide for the election of one or more of such trustees by the separate school supporters in each of such areas.

Time for passing by-law

(18) A by-law for the purpose mentioned in subsection 17 and a by-law repealing any such by-law shall not be passed later than the 1st day of November in the year of the election and shall take effect for the purpose of the election next after the passing of the by-law and remains in force until repealed.

Elections in county and district combined zones

(19) Where it is determined under subsection 8 that two or more county or district municipalities shall be combined for the purposes of the election of one or more trustees to a combined separate school board, such trustee or trustees shall be elected by a general vote of the separate school supporters of such board in the combined area, and,

- (a) the nominations for such trustees shall be conducted by the returning officer of the municipality having the greatest equalized residential and farm assessment for

the purposes of such board in the combined area, who shall send to the clerk of each municipality concerned, by registered mail within forty-eight hours after the closing of nominations, the names of the candidates who have qualified; and

- (b) the clerk of each municipality shall be the returning officer for the vote to be recorded in his municipality and he shall report forthwith the vote recorded to the returning officer referred to in clause *a*, who shall prepare the final summary and announce the vote.

(20) For the purposes of clause *b* of subsection 19, the secretary of the district combined separate school board shall be the clerk of each part of territory without municipal organization in the district combined separate school zone that is deemed to be a district municipality for separate school purposes.

Secretary of board deemed clerk for elections in areas deemed district municipalities

(21) The trustees of a county or district combined separate school board shall be elected for a term of two years and the election of such trustees shall take place in the year 1968 and in every second year thereafter.

Biennial Elections

(22) Where in a municipality there is no provision for municipal elections in the year 1968 or in any second year thereafter, the council of the municipality shall provide for the election of trustees of the county or district combined separate school board in the year 1968 and in every second year thereafter.

Where no municipal election in any year

(23) An election of trustees of a county or district combined separate school board shall be conducted in a municipality by the same officers and in the same manner as municipal elections in the municipality, and,

Manner of election

- (a) the meetings of separate school supporters for the nomination of candidates for a county or district combined separate school board shall be held on the second Monday preceding the first Monday in December;
- (b) the day for polling shall be the first Monday in December and the polls shall be open between the hours of 10 o'clock in the forenoon and 8 o'clock in the afternoon, except that, where a municipal election is being held on the same day, the polls shall be open between the same hours as for the municipal election;
- (c) the council of every municipality in which a nomination meeting is to be held shall, before the 1st day of November in the year 1968 and in every second year thereafter, pass a by-law naming the date, time and place at which the nomination meeting shall be held, and the clerk of such municipality shall, within forty-eight hours of the passing of the by-law, notify the returning officer of each municipality concerned who

R.S.O. 1970,
c. 284 shall advertise the date, time and place of the nomination meeting as provided in section 46 of *The Municipal Act*; and

- (d) the council of a municipality may by by-law provide for advance polls, and section 91 of *The Municipal Act* applies *mutatis mutandis*.

Voters' list (24) The list of voters to be used in an election of trustees of a county or district combined separate school board is,

- (a) the voters' list prepared, revised and certified for use in the municipal election in the year of the election of the combined separate school board; or

- (b) where no municipal election is to be held in a municipality in the year of the election of the combined separate school board, the last revised voters' list for the municipality completed in accordance with *The Voters' Lists Act*; or

R.S.O. 1970,
c. 485

- (c) in territory without municipal organization, the last revised assessment roll, excepting therefrom the names of persons who are not British subjects and of persons who are not of the full age of twenty-one years,

except that only persons who are separate school supporters of the combined separate school board may vote at the election of the trustees of such board.

Certificate
to enter
name on
voters' list

(25) Where, in a municipality in which no municipal election is to be held in the year of the election of the combined separate school board, or in territory without municipal organization, the name of a person has been entered on the last revised assessment roll or has been added to the assessment roll under section 44 of *The Assessment Act*, and the clerk is satisfied that the person is entitled to have his name entered on the list of voters and his name has not been entered thereon, he may issue a certificate in Form 10 to *The Municipal Act*, authorizing the returning officer or proper deputy returning officer to enter the name of the person on such list.

R.S.O. 1970,
c.c. 32, 284

Expenses
for certain
elections to
be repaid to
municipality

(26) Where the council of a municipality is required to provide for an election of trustees of a county or district combined separate school board in a year other than a year in which the election of the members of the council is held, the county or district combined separate school board shall forthwith after its organization reimburse the treasurer of the municipality for the reasonable expenses incurred by the clerk or any other officer of the municipality for advertising the times and places of nomination meetings and of polls, for printing, for providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and for reasonable fees and allowances for services rendered respecting

the election of trustees of the board, excluding the cost of preparing the voters' list. R.S.O. 1970, c. 430, s. 90.

91.—(1) Every person in a municipality or in a part thereof or in a combination of municipalities who is qualified to vote for trustees of a separate school board under this Part is entitled to as many votes as there are trustees to be elected in such municipality or part or combination of municipalities, but may not give more than one vote to any one candidate.

Number of
votes for
candidates

(2) The trustees retiring at the expiration of the terms for which they were respectively elected are eligible for re-election if otherwise qualified.

Retiring
members
eligible for
re-election

(3) Every proposer and seconder of a candidate nominated for the office of a trustee to be elected to a separate school board under this Part shall be a separate school supporter.

Qualifica-
tions for
proposers
and
seconders of
candidates

(4) No person shall qualify himself as a candidate for more than one seat on a county or district combined separate school board, and any person who so qualifies himself and is elected to hold one or more seats on the county or district combined separate school board is not entitled to sit as a member of the board by reason of the election, and his seat or seats are thereby vacated.

Person
not to be
candidate
for more
than one
seat on
board

(5) Where the office of a trustee of a separate school board under this Part becomes vacant from any cause before the expiration of the term for which he was elected, it shall be filled in the manner provided in section 52 for filling a vacancy on a separate school board in an urban municipality. R.S.O. 1970, c. 430, s. 91.

Filling of
vacancies

92.—(1) Where, on the 31st day of December, 1968, a pupil is enrolled in a separate school that he has a right to attend, and the school on and after the 1st day of January, 1969, is situated in a combined separate school zone other than that in which the pupil resides, the pupil has, in addition to any other right that he may have under *The Department of Education Act*, *The Schools Administration Act* or this Act, the right to attend the school until he completes his education in the school.

Right of
certain
pupils
to attend
school in
another
combined
zone

R.S.O. 1970,
cc. 111, 424

(2) Where any part of a separate school zone after the 1st day of January, 1969, forms a part of a county or district combined separate school zone other than the county or district combined separate school zone in which the school that the pupils resident in such part had a right to attend on the 31st day of December, 1968, is situate, all pupils who reside in such part after the 1st day of January, 1969, may attend such school until the county or district combined separate school boards concerned agree to other arrangements for the accommodation of such pupils.

Idem

Application
of subss. 1, 2

(3) Subsections 1 and 2 do not extend the right acquired by a pupil to attend a school under an order of the Ontario Municipal Board or under an agreement between two or more boards or between a board and the Crown in right of Canada. R.S.O. 1970, c. 430, s. 92.

Superin-
tendent of
separate
schools

93.—(1) A separate school board under this Part having an enrolment in its schools on the first school day of 1969 of 2,000 or more shall, on or before the 1st day of August, 1969, appoint a superintendent of separate schools who shall be the chief education officer and the chief executive officer of the board, and he shall hold the qualifications required by the regulations.

Idem

(2) A separate school board under this Part having an enrolment in its schools of 2,000 or more on the 30th day of September of the year 1969 or of any year thereafter shall, on or before the 1st day of August of the year following, appoint a superintendent of separate schools who shall be the chief education officer and the chief executive officer of the board, and he shall hold the qualifications required by the regulations.

Supervisory
officers

(3) A county or district combined separate school board having an enrolment in its schools of fewer than 2,000 may appoint such supervisory officers as are approved by the Minister. R.S.O. 1970, c. 430, s. 93.

Application
of this Part

94. Notwithstanding the provisions of any special Act, this Part applies to every separate school board, county, municipality and person in accordance with the provisions of this Part. R.S.O. 1970, c. 430, s. 94.

Application
of Part II

95. The provisions of Part II that are not inconsistent with this Part shall be read as part of this Part and shall apply to combined separate school boards under this Part, and so far as such provisions are inconsistent with the provisions of this Part, they do not apply to combined separate school boards under this Part. R.S.O. 1970, c. 430, s. 95.

FORM 1
FORM OF INDEX BOOK
(Section 60 (1))

Names	Notices claiming exemption, when received	Remarks
Allen, John.....	3rd February, 19....	Notice of withdrawal received 1st January, 19...
Ardagh, Joseph.....	3rd February, 19....	Disallowed by Assess- ment Review Court, 1st June, 19...
Ashbridge, Robert.....	3rd February, 19....	

R.S.O. 1970, c. 430, Form 1.

FORM 2

NOTICE BY CORPORATION AS TO APPLICATION OF SCHOOL TAX

(Section 64 (1))

To the Clerk of (*describing the municipality*)

Take notice that (*here insert the name of the corporation so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors requires that hereafter and until this notice is either withdrawn or varied, the whole or so much of the assessment for land and business or other assessments of the corporation within (*giving the name of the municipality*) as is hereinafter designated, shall be entered, rated and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of the land and business or other assessments.

Given on behalf of the company this (*here insert date*).

R.S., Secretary of the Company.

R.S.O. 1970, c. 430, Form 2.

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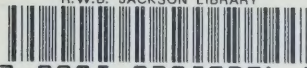
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